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# A P P E N D I X

TO

## S E N A T E J O U R N A L S

FOR THE

EIGHTH SESSION OF THE LEGISLATURE

OF THE

S T A T E O F C A L I F O R N I A .

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SACRAMENTO :

JAMES ALLEN, STATE PRINTER.

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1857.

APPENDIX

SENATE JOURNAL

1873

PRINTED BY THE SENATE

STATE OF CALIFORNIA

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IN SENATE.]

[EIGHTH SESSION.

MAJORITY AND MINORITY REPORTS

OF

THE JOINT SPECIAL COMMITTEE,

IN RELATION TO THE

STATE INSANE ASYLUM,

EVIDENCE, &c

[JAMES ALLEN, STATE PRINTER.

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## MAJORITY REPORT.

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*Mr. President :*

The Joint Special Committee from the Hospital Committee of the Senate and Assembly, to whom was assigned the duty of visiting and examining the condition of the State Insane Asylum, located at Stockton, respectfully beg leave to submit the following Report :

In accordance with the requirements of the joint resolution of both branches of the Legislature, your Committee visited the city of Stockton, and immediately proceeded to the discharge of the duties assigned them.

We found the Asylum buildings, outbuildings and grounds, in good condition, every department being well attended to and in perfect order. The buildings, which present a fine exterior, are within neat, clean, and well ventilated ; the grounds and walks conveniently arranged, and all having the appearance of being regularly cared for and conducive to some amelioration in the condition of the unfortunate inmates of the Asylum, who are the objects of the State's charity.

In visiting the respective wards we found one hundred and eighty patients, afflicted with all the different phases of insanity, but in as comfortable a condition as good care and attention would render them, and their unfortunate malady would allow. The medical department appeared to be well conducted, and the patients to be treated in a satisfactory manner.

Your Committee observed that the manner of heating the building was very defective ; being not only very inconvenient and much more expensive than the modes in use in the older States in public buildings of this kind, but is also a source of danger to the building and the lives of the inmates. We would therefore recommend that an appropriation be made for the purpose of procuring a suitable apparatus for heating the Asylum buildings, which will produce an even temperature throughout, and remedy the defects above alluded to ; and that the Trustees be authorized to purchase the same.

In visiting the grounds of the institution, we were pleased to find that a small portion thereof had been placed under cultivation ; and your Committee are of the opinion that a certain class of patients might be employed in such a manner,

working lightly for a few hours at a time, so as to prove highly beneficial to themselves.

In regard to the financial affairs of the institution, we beg leave to refer you to that portion of the Report of the Resident Physician, Dr. Langdon, touching upon that subject, and also to the suggestions of that officer in regard to the necessary appropriations for the present year. Your Committee, in accordance with the requirements of the Joint Resolution, also made an examination of the affairs of the Asylum whilst under the management of the late Resident Physician, Dr. Reid, and are of the opinion that the medical and financial affairs of the institution, whilst under his superintendence, were conducted in such a manner as to reflect great credit upon that gentleman.

After having made our examination of the Asylum buildings and grounds, and of the condition of the patients of the different wards, and of the various departments of the institution, your Committee received a special communication from the present Board of Trustees of the Asylum, calling our attention to that portion of the Governor's last Annual Message transmitted to the present Legislature, in which it was stated that grave charges had been made against the late Resident Physician, Dr. R. K. Reid. This communication also set forth that those charges had been specified and preferred against Dr. Reid, by Dr. Langdon, the present Resident Physician, and laid before the Board of Trustees, who requested us to proceed to an investigation of the same. Your Committee, therefore, in accordance with this request, and deeming it their duty so to do, entered into an examination of the charges so preferred, and devoted several days to a thorough and minute investigation of the same, during which time a large number of witnesses were examined; but after a thorough and minute investigation of all the charges preferred, your Committee are of the opinion that the evidence adduced was insufficient to sustain the charges herein referred to.

All of which is respectfully submitted.

A. R. MELONY,  
Chairman Senate Com.

S. F. HAMM,  
Chairman Assembly Com.

S. M. MILES,  
PHIL. MOORE.

## MINORITY REPORT.

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*“Resolved by the Senate, (the Assembly concurring,) That a committee of five be appointed to visit the Insane Asylum at Stockton, for the purpose of investigating the medical and financial condition and management of that Asylum, under the present Resident Physician—Dr. Langdon, and his predecessor, Dr. Ried; said committee to be composed of members from the Hospital Committees of the two Houses—three from the Senate and two from the Assembly—to be selected by the President of the Senate and Speaker of the Assembly; and that said Committee, in their investigation, have power to send for persons and papers.”*

*Mr. President :*

The undersigned, a member of the Committee appointed in accordance with the above resolution, regrets that the majority of the Committee have seen fit to present a report to which he cannot subscribe, and respectfully begs to offer a minority report.

In compliance with the desire of the Legislature, the Committee repaired to Stockton, and began their investigations on the 21st of January. Several days were devoted to an examination into the affairs of the Asylum, from which, to the mind of the undersigned, the following facts were evolved :

The institution, under the present Resident Physician, Dr. Langdon, and the acting Board of Trustees, is creditably managed, medically and financially. The halls, rooms and bedding are kept scrupulously clean and neat ; and, from the best information obtained, the food of the inmates is served up in a respectable and wholesome manner. Perhaps there is not a sufficiency of the proper kinds of aliment allowed the inmates, but it is more owing to the appropriation of the State, than the fault of the dispensers of the State's charity. The sum allowed the Asylum per annum is not sufficient to furnish the class of edibles which a physician, jealous of his fame, requires to feed his patients. But as far as medical skill and attention to an unfortunate class can go, circumscribed by pecuniary means, the undersigned is convinced that no effort is spared by the Superintendent, his attentive and experienced assistant, and the accomplished matron, to restore reason to its wonted channels, or failing in which, to administer to a



mind diseased, with the true spirit of the philanthropist, full of sympathy and kindness.

In passing through the various wards the visitor is struck with the low and degraded types of humanity, compared with the inmates of the Asylums in the older States, which everywhere meet his eye. With but few exceptions, there is nothing but bestiality, want of intellectual strength, or idiocy, in the Asylum at Stockton.

A large proportion of the whole number of patients are foreigners of every hue, from almost every country on the habitable globe, and as different in their mental ailments as the climates from whence they came. The persons who have such objects of commiseration in charge should be possessed of the finer and ennobling feelings that adorn our race, joined to a scientific mind, a determined purpose, and an exalted ambition. The position is one which none but a true philanthropist should covet, none but a tried one should gain. An institution which has cost the State upward of one hundred thousand dollars per annum from its founding to the present time, should be presided over by a gentleman of the first attainments, the best impulses, and of peculiar qualifications. It is due, both to the State that bankrupts its exchequer to sustain a monument of God-like charity, and the unfortunate objects who so piteously call upon science and humanity.

Were it compatible with the finances of the State, the undersigned would recommend that the patients of the Asylum be better clothed, and in a neat and uniform manner.

One recommendation alone the undersigned would more particularly press upon your consideration than any other in the present embarrassed condition of the Treasury. A wooden building, occupied by the Resident Physician, of very combustible material, stands within twenty feet of the fine and imposing structure which is at once the pride and ornament of Stockton and the worthy object of the bounty of a beneficent State. A stray or careless spark is liable to destroy, in one short hour, a structure and property for which the State has expended near a quarter of a million of dollars. A small amount should be immediately appropriated for the purpose of removing the wooden dwelling to a further distance, that the danger from fire may be lessened.

For other recommendations as to the needs of the Asylum, the undersigned would refer to the Report of the Trustees, the elaborate annual statement of the Resident Physician, and the majority report of the committee.

The undersigned is now brought to the point where he must express his most unqualified dissent from the majority report of the committee, and he cannot here refrain from asserting his astonishment that palpable and glaring wrongs should have been glided over by the pen, that ought to have told the discovery of revolting, if not culpable practices.

Among the duties imposed upon the committee, was the investigation of charges against the conduct and management of the former Resident Physician, Dr. Reid.

Believing that an institution designed for the greatest good to an unfortunate class of fellow beings, should be high above the reach of political influences or changes, and firmly impressed with the wisdom, as well as policy, of retaining an honest, competent and faithful public servant—as every report, coming even from his political enemies, pronounced the former Resident Physician to be—it will be recollected that the undersigned turned a deaf ear to party at the last session of the Legislature, and voted to continue, as he trusted, a meritorious officer in a place he was reported to be so eminently qualified to fill.

The astonishment and chagrin of the undersigned, on investigating the management of the former Resident Physician to know that the undersigned had unwittingly been the means in part of continuing a false guardian of the public



weal, and a false apostle of humanity in power—was only exceeded by the astonishment he felt at the strange Report of the majority of the Committee.

How any man or set of men, after seeing and hearing the evidence produced before the Committee, can come to the conclusion that the charges against the former Resident Physician are unfounded, and that he is entitled to the meed of praise for his official career, can only be accounted for in the overwhelming popular sentiment of the city of Stockton which the Committee may not be able to withstand.

The facts are stubborn, and to these we come. Dr. Reid is charged with drawing pay from the State for certain persons as employees after such persons had long been discharged or absent.

The evidence of Dr. Cowan, the Visiting Physician under Dr. Reid, proves that one Creaner, an employee, for whom pay was drawn to the 1st of October last, had not been about the premises for several weeks anterior to that date. Dr. Cowan's testimony is corroborated by others; and, in the opinion of the undersigned, still stronger evidence on this point might have been obtained but for a new principle of law established by the Committee.

On a Mr. Driscoll being introduced as testimony, to prove that Creaner and others were away for some time prior to the 1st of October, it was decided by the Committee that no person who had been an inmate of an Insane Asylum, could be a competent witness, until after the expiration of two years from his discharge, except upon the opinion of medical men, after an examination, that the witness is sane and competent to testify.

Mr. Driscoll had been so unfortunate as to lose his reason, had been an inmate of the Asylum, but was discharged by Dr. Reid early in August last, as a sane man. But this strange ruling of the Committee Court is not more remarkable than the deductions of the same body from the evidence on this charge against Dr. Reid, for the only rebuttal evidence against that of Dr. Cowan and others, is a receipt purporting to be signed by Creaner, acknowledging having received his pay up to the 1st of October. Thus the Committee have taken the anomalous position that the sworn depositions of a man once insane, is worthless on one side, while the written, unattested signature of Creaner, a man subject to incurable mania, is good on the other. In this manner, the first charge against the former Resident Physician is pronounced unfounded!

In relation to the charge of removing and appropriating property belonging to the State, the undersigned has to say, simply, that in the Report of Dr. Reid, made to the last Legislature, "a cabinet, containing above one hundred species of birds, fifteen species of animals, and a fine collection of reptiles, shells and minerals," is reported with considerable unction. This cabinet, together with the cases, was removed and is now in the possession of Dr. Reid. The evidence goes to show that a portion of the animals, at least, were stuffed and preserved by Lascars, in the pay of the State; and it cannot be denied that the State paid fifty dollars for the cases. Dr. Reid claims the property as his own. The query may be pertinently asked—Would the Resident Physician be likely to report his private property in enumerating the property of the State, in an Annual Report? Upon this point, as well as of the evidence taken before the Committee, relative to the removal of other articles from the Asylum, the undersigned will allow the curious to judge for themselves. There is much to excite suspicion, if not in the character of positive proof.

One of the grave charges against the former Resident Physician, Dr. Reid, is, that his reports to the Legislature are false, and that the number of deaths at the Asylum, while the same was presided over by Dr. Reid, was much greater than represented in those reports. On this point the evidence is conclusive.

The Asylum was removed to its present site on the 8th day of October, 1853,

and from that date the burials upon the Asylum grounds commenced. Dr. Reid, in his first report thereafter, gives the number of the deaths during the last three months of the year at seven; for the year 1854, twenty-one; for 1855, eighteen; and in a statement given the Committee, for the year 1856, up to 1st of October, when he was succeeded by Dr. Langdon, the number of the deaths at the Asylum is stated at nineteen, making the total of deaths under the entire administration of Dr. Reid sixty-five, according to his own showing. He acknowledges there were sixty or sixty-one graves on the Asylum grounds at the time Dr. Langdon succeeded him.

Now, the deposition hereto appended, of Mr. Bond, City Sexton of Stockton, shows that thirty-three deceased persons from the Asylum were buried by him in the City Cemetery, leaving but thirty-two to be interred on the Asylum grounds. But there are sixty-one graves, and to make the evidence still more damnable, the Senate portion of the Committee saw several graves open, and in all but one there were two coffins or boxes in each, and in each of the four top boxes were found the remains of two persons placed heads and points. These facts can be attested to by at least fifty citizens of the city of Stockton. These graves, it is not denied, were made during the administration of Dr. Reid, and the whole appearance of the graves the boxes and the remains seem to preclude the possibility of a design on the part of any one to deceive the Committee.

Dr. Reid, in his sworn statement in regard to this point, *adds* the number sworn to by Mr. Bond to the number called for in his reports—thus impeaching the accuracy of his own reports to the Legislature; for if both Dr. Reid's reports and the accounts of Mr. Bond be true, then at least thirty of the insane have been buried alive—a proposition too monstrous to be seriously entertained.

In conclusion, the undersigned would say that abundant material is at hand to make a longer and more forcible report, but the limited time allowed him to write a minority report, compels him to be brief. He, however, refers to the evidence taken by the committee, which ought to be published. It is important that the people should know how an institution on which the State has expended over  $\frac{3}{4}$  one-half million dollars, has been managed.

Respectfully submitted,

E. G. WAITE.

## STATEMENT OF MR M. H. BOND.

*Number of Interments in City Grave Yard, which were sent to me from the Insane Asylum and State Hospital, from June 1st, 1852, to November 1854, including.*

1852	June.....	1	1853	January.....	9
"	July .....	1	"	February.....	13
"	August.....	4	"	March....	6
"	September .....	5	"	April.....	1
"	October .....	5	"	May.....	1
"	November.....	6	"	June .....	3
"	December.....	11	"	July .....	0
		—	"	August.....	2
		33	"	September.....	0
			"	October.....	2
			"	November.....	1
			"	December .....	6
					—44
					33
					—

Total.....77

1854	January.....	3
"	February.....	0
"	March .....	3
"	April.....	1
"	May .....	0
"	June .....	0
"	July.....	4
"	August.....	4
"	September.....	2
"	October.....	3
		—....20

Total.....97

None buried by me inside of Asylum grounds.

M. H. BOND,  
City Sexton, Stockton.

*Number buried by friends and not included in the above.*

1854	March.....	1		1856	March.....	1
"	October.....	1		"	September.....	1
Total.....		4				

My reasons for sending the whole number since June 1852, is that I do not know the exact date the Asylum was moved to its present site. I am requested to refer you to Capt. Hatton's evidence for that date, &c.

M. H. BOND,  
City Sexton, Stockton.

STATE OF CALIFORNIA, }  
County of San Joaquin. }

M. H. Bond being by me first duly sworn, deposes and says that the foregoing statement is true of his own knowledge, except as to matters therein stated on information and belief, and as to those matters he believes them to be true.

M. H. BOND,  
City Sexton.

Sworn to and subscribed before me this the 2d day of February, A. D., 1857.

J. W. O'NEAL, Clerk,  
By CHAS. O'TERRILL, Deputy



*To the Special Committee on the Insane Asylum :*

GENTLEMEN :

Having observed in the Governor's Message a paragraph stating that charges of a serious nature have been made against the late Resident Physician of the Insane Asylum, and charges and specifications having this day been preferred against said person before us by the present Resident Physician, we herewith submit the same to you for investigation, and respectfully ask your attention thereto. We also request you to examine into the present management and condition of the Institution, to facilitate the prosecution of which we cheerfully tender you any aid or information in our power to bestow.

Respectfully,

J. W. O'NEIL,  
G. A. SHURTLEFF.

STOCKTON, Jan. 23, 4½ o'clock P. M.

INSANE ASYLUM, Stockton, January 22d, 1857.

*To the Trustees of the State Insane Asylum :*

GENTLEMEN :

I, as the Resident Physician of the State Insane Asylum, deem it my duty to communicate certain facts which have come to my knowledge, in connection with the administration of the late Superintendent.

1st. I am informed, upon unquestionable authority, that the late Superintendent, Dr. Reid, drew pay for certain persons as employees, who were not in the service of the Asylum at the time, and had not been for months previous. I will cite the names of two—Creamer and a woman servant. There are others I think.

2d. I am credibly informed that there was money delivered to him as Resident Physician, and which belonged to a patient or patients, and has not been accounted for to me.

3d. I also charge that certain articles of furniture—sofas, wardrobes, a mahogany bedstead, &c., which have been purchased for the use of the Asylum, at different times, are missing, and I am credibly informed that such furniture was removed by the agency or knowledge of Dr. Reid. I am further informed, that the pavements in the female yard have been taken up and appropriated to laying sidewalks in his private garden.

4th. I also represent that his reports and records, as furnished to the Legislature and the Hospital Committee, now in session in this city, are not correct, and that the number of deaths are much greater than represented in those Reports and Records.

SAMUEL LANGDON,

Resident Physician, State Insane Asylum, California.

J. W. O'NEIL, President; J. M. BUFFINGTON, G. A. SHURTLEFF, R. FOWLER, Jr.,  
JOHN K. HOBBS, Trustees.

GENTLEMEN :

Should your Board think proper to investigate these several specifications, on being advised thereof, I stand ready to furnish the necessary evidence to substantiate the same.

SAMUEL LANGDON.

## EVIDENCE.

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DR. W. D. COWAN, being duly sworn :

Resides in Stockton; has resided here for five years. Has been Visiting Physician for four or five years; in performance of his duty has resided considerable portion of the time at the Asylum; has been particularly acquainted with the management of the affairs of the Asylum. First, second and third principal wards in the building; also female ward is a kitchen; a negro cooked, named John, in the kitchen—his name was De Castro; had assistants; several assistants at different times; sometimes the lunatics assisted; no regular system of lunatics cooking. Does not remember the names of assistants; can't tell how many were employed as cooks; thinks at any time not over two. One man named Emanuel was employed to wait in the dwelling and kitchen. The third ward is where William is; the keeper of the third ward is William; generally they were changed as occasion demanded; the keeper of second ward is John Prestley; don't remember his name; the keeper of first ward is Mr. Clark; no steward since Mr. Hatton's time, except Dr. Reid; Mr. Clark did what all the keepers did, and efficiently discharged his duty; the fence was built by contract; never saw Mr. Clark work on the fence; William Hill was in charge of second ward at times; was discharged some one or two months before we left; can't tell when he (William) was discharged, except by reference to books; those were all the keepers so far as he knows.

Creaner left several months before we were removed; originally came as a crazy man; was originally employed as a keeper, and made the best keeper in the Asylum; left of his own accord; acquainted in the female department, but not so much as in the male; Mrs. Benjamin was keeper; there was a necessity for some one to wash; there was not any other person employed in the female department that he knows of; it is impossible for the Matron to discharge all the work; no difference in the three last months I was in in keepers; he believes the number was one to each of the wards—five in number—as principals; three of them had been crazy; means as principal keepers, those who had charge of first, second and third wards among the males; there were deputy keepers; Wm. Hill was one; were insane men who were convalescing; Wm. Hill was, so was Creaner; it was not customary to pay insane men by the State; those who were convalescing were employed for their own health.

Wm. Hill and Mr. Clark and Jno. Prestley, who principally attended to the wards, were cooks ; does not know the number ; thinks there were a principal cook and assistant ; no extra cooks were employed for the private department ; those were all that were employed that he knows ; Jno. De Costa was the only Lascar ; looked to him sometimes like a negro ; might know Antonio Sylvia by sight ; knows a Victor, a Frenchman ; has been insane ; was there when I left ; thinks he was not paid ; might have been ; did a great deal of labor there ; Victor might have been employed. Creaner left one or two months ; might have been three months ; went to San Francisco ; three or four weeks after he recovered he left for the city ; the last attack lasted about five or six weeks ; he did not perform his duties as keeper while crazy, except when convalescing ; thinks Creaner was not in the Asylum on the 1st of May ; has not been there since ; thinks he has been there for years ; even during the last attack he was enabled to do a great deal of work ; if he had charge of the Asylum he would give him one hundred dollars a month ; he is a No. 1 keeper when sane ; knows when Creaner has been unfit for duty while insane. Dr. Langdon did not get possession when demand was first made ; thinks Creaner was there on the 1st of May ; think Creaner left two or three weeks before we left ; knows it was a short time ; cannot tell whether months, weeks or days ; does not remember a conversation with Dr. Langdon in reference to Creaner ; told Dr. Langdon a few days previous to his taking possession ; did not tell Dr. Langdon a month or two before I left that Creaner was not there ; thinks Creaner went to San Francisco when he left here ; I visited the Asylum every day I believe ; did not hear Creaner speak of hanging by Vigilance Committee ; I believe Mr. Creaner was in the Asylum when first demand was made ; Dr. Cowan misunderstood the question of Dr. Langdon as to the first demand.

*Cross Examined :* Remember the boy Victor Quinto, he did live with us several years ; all of keepers were originally patients except Rodgers, Presley, Mr. Clark, Mr. Creaner, Mr. Galpin, and Mr. Hill. Theresa was in charge of office and drug store. Does not remember when Galpin left ; thinks he (Galpin) was not there for three or four months before I left ; might have been ; refer to books ; never saw a patient who brought any money with them, their friends may have left some for them, for which they took receipt ; never knew Dr. Reid to have removed property belonging to the Asylum ; Dr. Reid took beds, bedding, &c., with him to the Asylum ; don't know that he removed any when he left ; positively know that the property in his rooms was private property. No pavements were taken up or removed to my knowledge ; some bricks and rubbish were removed ; a pave was in the female yard when I left ; I did not go in the female yard every day ; was in it the day before I left, saw no depredations committed there ; had there been any changes I would have remarked them.

Would not suppose more than two or three patients died per month on an average ; have known two to die in twenty-four hours ; have known two or three months to pass without a death. The patients were nearly all buried in coffins ; never knew of but one case without a coffin. One Mexican boy was dissected ; the entrails were buried in a barrel ; cannot state if the whole body was or not. Never knew an instance where two were buried in the same grave ; think there was an instance where two were buried in the same coffin ; it was a case when one was dissected ; no other person was buried with the Mexican boy alluded to. Never knew an instance of a body being buried without a coffin ; have not seen many put in the coffin at the Asylum. The dissections and burials were conducted according to Hospital usages. Dr. Reid always disliked to have patients dissected, and never allowed it except in particular cases. Always knew every day who had died. Whenever a patient died the books were overhauled, and his death recorded. All deaths and discharges were entered on the books,



to my certain knowledge. The books were always open to my inspection. Wm. T. Flockton from Auburn, died on Aug. 13, 1855.

WM. D. COWAN, M. D.

FREDERICK ZIEGENFELDER, SWORN:

Resides near the Asylum, have done so since 1849; never troubled myself about affairs about the Asylum; had friend there—Creaner was a countryman of mine. Think Creaner left the Asylum two or three months before Langdon took possession; don't know positively, may have been a longer time or shorter; think Creaner left for San Francisco immediately on leaving Assylum; could'nt state whether he left one week or one month or six months before Dr. Langdon took possession; can't give any positive information as to the time he did leave; states positively that he left one week before Dr. Reid; would'nt swear positively that he left one week before Dr. Reid.

E. F. ZIEGENFELDER.

DR. FREY, Sworn:—

Am a physician, employed as Assistant Physician to Insane Asylum; can state nothing concerning the management of the Asylum under Dr. Reid; can only speak of the state of patients when we took charge. The patients were the most emaciated and miserable set of wretches that I ever saw in my life. Am acquainted with the general management of Hospitals of this kind; also of treatment of the Insane. Some of the worst of the patients were in bed when I took charge. Found 188 patients,—some had bed sores, caused by lying in bed. The patients generally, had feble pulses, and cold feeling hands. I noticed this as early as May, when I passed around in company with Dr. Cowan. I thought the patients worse in October than in May; most of them were in a low state of flesh. The pooriness of flesh, weakness of pulse and coldness of hands, was general. I went through the Hospital generally, in May; felt the pulses of many. Patients generally that are insane, are in as good a condition bodily, as among the sane. The patients have improved greatly since we took charge. There are patients that have gained from ten to forty pounds each. I attribute it to giving them more to eat. Don't know how the affairs were managed under Dr. Reid. The patients have something over two pounds food per day. The vegetables are not weighed. The patients do not now have as much to eat as they ought. There ought to be more meat and less bread. We are obliged to be governed by the appropriations of the Legislature. The most insane man will eat the most; the appetite fails during the depression following the ravings. Have had experience among the insane in London; was three [years?] there among the insane.

Some twenty-two or three have died since Dr. Langdon took charge of the Asylum. I attribute their deaths mostly to defective nutrition; may have been from inability to digest their food, rather than want of the food itself. The patients were well attended medically and otherwise, but could not recover. It has been remarked by several, Dr. Cowan among the number, that the inmates are fatter now than formerly. Have not seen the barrel of remains alluded to.

*Cross Examined*:—Cannot tell how the diet of inmates differs from that by Dr. Reid. About four in No. 3, were abed. About four had bed sores. Do not know when or where, the sores were acquired; may have had them before coming to the Institution. Place no reliance on what is stated by the insane. There are now three persons in bed there.

*Direct Examination Resumed*.—The Second Ward patients were very much excited in the afternoon when we took possession. There was no one in charge when I went to the Ward. There were none but insane men in the house at the time. It is natural for the Insane to be excited on a change of Keepers. Know a Prussian named Leibendorff; he was drunk when I first saw him. He escaped out of the window. Don't know that he got drunk in the Asylum; was so when he returned. Was out two or three hours. Was re-taken in town. Don't know where he got his liquor. Others in Ward No. 2, that did not escape, were drunk; others excited by liquor.

JOS. M. FREY, M. D.

DR. FREY, Sworn:—

Don't know that Dr. Reid removed furniture belonging to the Asylum, nor of a pavement being removed from female yard. Entered upon my duties as Assistant Physician on the first of October last. Was in the female yard the first day I took charge. Don't remember pavement in that yard. Has been a pavement laid since I went in; it is just finished. There may have been a small portion of pavement there when I came; think there was. If the data furnished me are correct, the reports of Dr. Reid are false. The reports of Dr. Reid, give 37 burials in two years. I have opened three graves, and find seven bodies in them. There were two coffins in each grave. There were either 61 or 62 graves on the first of October last. I was prompted to make the exhumations from the reports of the carpenter. He marked "104" on a coffin, and stated that to be the number of coffins he had made since he came back the second time. The carpenter is insane. In the coffin where two were found, the bodies were placed heads and feet together; the skulls were put between the feet. Opened four coffins; one body in each, but one, which had two. I have no unfriendly feelings towards Dr. Reid or Dr. Cowan. Have no cause for enmity.

JOS. M. FREY, M. D.

The number of deaths is possibly about equal. Does not remember. The corpses in the coffins we opened were old. They were all buried before we came in charge of the Asylum. Another has been opened since I testified before. There were two bodies in the coffin. This is the second instance where two were found in same coffin. It was an old burial. Have opened four graves; nine bodies in them. The disinterment was made in the Asylum burying ground.

JOS. M. FREY, M. D.

MRS. BENJAMINS, Sworn:—

My name is Lizzie Benjamins. I reside at the Hospital; lived there two years last October. I am married. My name, prior to marriage, was Lizzie Cunningham. Married the 30th of October last. My employment has been to wait upon the insane at the Asylum; wait upon the females in their ward. Have always held the same position in the Asylum. I did as I was bid by the Matron, Mrs. Reid. When the inmates were raving, we put them under the influence of cold water under Dr. Reid's administration, and locked them in a room. They were sometimes so violent that we could scarcely manage them without the Keepers. Sometimes I have struck them; did not do so but in self-defense. Gave medicines by the Madam's order, to quiet them. The medicine was called morphine. I may have given opium to a Chinese woman. It was a usual custom to give morphine to quiet



patients when violent. Never gave morphine or opium under Dr. Langdon's administration. We have had no bad cases since Dr. Langdon took charge. I give medicines now. I do not know positively, but morphine may be administered now. I know that morphine was administered under Dr. Reid, because the name was on the bottle. No name is on the bottles now. There have been no violent cases of females under Langdon. The only difference between the food now and formerly, is that it is better cooked. The females always got enough under Dr. Reid. Can't say as to the males. The females went to their dining hall to eat. I know the females got enough, because they said they felt satisfied when I asked them. There is little difference between the two administrations. Fish is substituted twice a week now for boiled meat and rice. Some patients wanted, and would ask for more food under Dr. Reid. I did not know whether they needed it or not. I cannot tell; insane people are changeable, sometimes they are fat and sometimes poor, on the same allowance. The general appearance of the patients now is better than when Dr. Reid left. I expect it is owing to the state of their mind, but cannot tell. Have never remarked that the weather or climate had any effect upon the bodily appearance of patients. The inmates do not appear to be so violent or badly deranged during the cooler parts of the year. The state of the mind has its influence upon the body. Dr. Reid visited the female Ward when any patients were sick, or at the request of the Matron. Dr. Cowan sometimes visited the female ward.

I do not know when Creaner left; he was not there when Dr. Langdon came. Don't know of any furniture being taken away by Dr. Reid. There was an old walk made of brickbats and dirt. It was twenty feet long. I saw the men tear it up. The insane men tore it up. I do not know where they took it. It was a poor walk. I consider it no loss to take it away. Don't know about the number of deaths that have occurred. There have been probably 12 deaths, females, since I have been in the Asylum. I do not know anything of the manner of burial; have laid out several bodies. Never knew of two being put in the same coffin. So far as I know, all the dead received a christian burial. I never was at a burial but once. It was conducted properly. Two Jewish ladies were taken from the Asylum for burial. All the others were buried on the grounds. All the washing an insane woman was not able to do, the Madame hired out. No female but myself was hired, three months prior to Dr. Langdon's taking charge, to my knowledge.

The barn on the corner of the lot, was Dr. Reid's. He moved it away. Joanna was insane when she left.

*Cross Examined:*—There were three women employed as washers during the year. I don't know whether they were paid or not; expect they were. The dead were always respectably laid out and buried,—at least as well as could be expected at a Hospital. Never heard of two being put in the same grave. Joanna did the washing all the time before Dr. Reid left.

LIZZIE BENJAMIN.

CHARLES BENJAMIN, Sworn:—

I reside at the Insane Asylum; have lived there since the first of October, employed as Keeper. Am the husband of Mrs. Benjamin just sworn. Saw a walk in the female yard, made of pieces of brick. The pieces of brick were just as good for a walk as whole ones. I informed Dr. Langdon that I heard a walk had been removed and placed in Dr. Reid's garden. Went through the Asylum last summer. There is quite a remarkable difference between the appearance of the

inmates then and now. The inmates have gained in appearance greatly since we came there. The Asylum was very much confused on the first of October; never saw a place worse. It took two or three to manage some of them in the Second Ward. They ran loose and fought each other. They looked half starved generally; some few were in good condition, but they were very ravenous. It was almost impossible to control them. They wanted to burst in doors to get to food. About 25 in the 2d Ward, and from 16 to 25 in the 3d Ward, have their meals brought them. Was in the 2d Ward the day Dr. Langdon took charge. Several were evidently under the influence of liquor. Have no knowledge where they got it; have heard that it came from the Keeper. Don't know his name. Don't know that Creaner was there when I came. Heard that the Keeper in the 2d Ward said he intended to get the inmates all drunk, that his successors might have a nice time of it. Don't know where the Keeper is who is said to have furnished the liquor.

*Cross Examined:* The bodily condition of the patients was bad when I came in the 1st of October. The hall and rooms appeared cleanly, but the breath of patients smelt bad. Many of the old patients are in better condition now than formerly; they have gained from ten to twenty-five pounds on an average; they are doing fine now. Twenty-three persons have died since I have been in the Asylum; the most of them were old patients, I think, can't say that any of them were new ones.

CHAS. D. BENJAMIN.

MARIA LILEY, sworn:

I reside next block to the Hospital; I work a garden there; am a widow, with two sons. I live to the left of the Asylum, to the back of Dr. Reid's; I was on my own grounds on the day Dr. Reid left the Asylum; I saw a load of goods taken from the house of the Resident Physician to Dr. Reid's; it appeared that a pair of drawers or armor was among the articles; a sort of clothes-press or bureau was lying across one load, and a sofa another. The removal occupied two days; don't know that the property belonged to Dr. Reid or not, only saw it come from the Asylum. Have seen things carried from the Asylum about the time the frame house was removed for the new wing by the insane. A black man, living with Dr. Reid, drove one of the teams with the furniture. The whole of the removals was at the time when preparations were made to build the new wing. Have seen loads of things going to Dr. Reid's from the Institution, but none going back, but have seen loads leave Dr. Reid's for some other place. Am not exactly on good terms with Dr. Reid and family; never have done anything to them, but they seem to owe me a spite. Have seen Dr. Reid's ranch team on the Asylum grounds; have seen sacks and other articles put in a wagon at the back of the of the house; a man called Jim drove the wagon of Dr. Reid; never saw loads brought there by same wagon; the wagon was loaded up there; never saw it come but empty; have seen sacks of something, such as potatoes, &c., loaded in the wagon at the Asylum.

MARIA LILEY.

M. H. BOND, sworn:

My occupation is city sexton and undertaker; have been city sexton since June, 1852; have buried persons who have died in the Asylum; have not buried any of the Asylum patients since 1854, in November, except when indi-

viduals called on me to bury friends in the city grave-yard ; have buried three or four by such request ; one Mrs. Johns was buried in this city ; a man was sent to San Francisco this summer ; think there was another buried in Catholic grave-yard this summer ; do not think this is on my books ; think that the Asylum was removed to its present place in October, 1853. (Admitted that none were buried in Asylum grounds prior to October, 1853.) Have buried Asylum patients between dates November, 1854, and October, 1853 ; buried twenty from Insane Asylum during the year 1854 ; the first buried was on Jan. 13th, 1854, the last the 28th day of October, 1854, from the Insane Asylum. I received my certificate to bury all these from Dr. Reid ; I received my pay for services from the Treasurer of the Asylum.

M. H. BOND.

J. K. HATTON, sworn :

I reside in the mountains ; last from Calaveras County ; once employed in Asylum ; was employed from 10th of July, 1854, to 10th July, 1855 ; one year ; there was no burying-ground to Asylum when I went there ; there was when I left ; could not say when the first burial took place ; the last burial, I think, for which city sexton received pay, was in the month of October, 1854 ; of course the burials on the grounds commenced immediately after ; do not know how many were buried while there ; I think there were as many as one or two buried during the months of October, November and December, 1854, but cannot be certain ; know of one lady, Mrs. Jones, buried by her husband, while there, outside the Hospital grounds ; the average deaths per month were about two or three ; never more than one put in a coffin while I was there ; have known two to be buried the same day ; they were put in separate coffins and graves ; I saw all the graves dug while there ; they were dug by the inmates ; was at the Asylum yesterday ; saw three graves open ; there were two coffins in each grave ; saw one coffin opened ; but one body in it ; did not see two bodies in one coffin ; the bodies were buried to the depth of four and a half or five feet.

Dr. Reid owns the property opposite and West of Asylum. Dr. Reid had a barn built near the North-East corner of the Lot. The materials, lumber and nails, were bought for the Asylum ; was built by the inmates principally ; one of the keepers may have labored on it some ; most of the work was made by a negro, who had been an inmate. I made the purchase of the materials by my authority as Steward, which appointment was confirmed by the Trustees. The barn is not there now. The barn was small—about 12 by 14 feet in size. The cost of materials of such a barn would be about \$25 or \$30.

Show-cases were repaired while I was there to the amount of \$50. Luschinger & Hubbard made the repairs ; paid for out of the funds of the Insane Asylum. The show-cases are not in Asylum I think ; don't know where they are. I was under the impression that the cases belonged to the Asylum ; recollect talking with repairers about extravagant price. Two of the servants stuffed most of the birds and animals while I was there ; Dr. Reid stuffed some, but most of them were stuffed by the Lascar servants. Some of the skins were presented ; I supposed they belonged to the Institution ; don't recollect that any such article was purchased ; don't think the cabinet of animals is there now. Always bought where could cheapest, with one exception, which was meats. The price paid for these was higher than others about town paid for the same ; I spoke about it to Dr. Reid and Trustees ; it was lessened ; bread also ; again I found the price was still too high ; was told Mr. Ward, the butcher, had furnished the Asylum at times, when there was no money, for months together, and in fact no appro-



priation, and that the custom had better be given him on that account. One of the Trustees, Capt. Taylor, thought the Asylum under no obligations to Ward. The first price was 25 cents ; I think it was lessened to 20 cents ; mutton was 35 ; lessened to 25 ; pork the same. A further reduction was made on mutton and pork for the Dr.'s table.

A butcher offered me beef for 16 cents at the same time ; Col. Manning told me he paid 16 cents at the same time ; remember that meats had been constantly decreasing in value before I went there, and after. The price of beef was very fluctuating—sometimes higher than others ; don't know that Mr. Ward ever charged more for beef or meats furnished the Asylum, on account of high price he may have paid for cattle. On two occasions the price of meat for Asylum was reduced—not however, so low as it could have been purchased elsewhere. Mr. A. C. Baine was not in the Board at the time. I think I could have saved enough in the twelve months I was there to pay my salary—two thousand dollars a year. Mr. Gove may have told me—I think probably he did—that I must take into consideration that the butcher had to wait for his pay, and the price would be increased thereby. It would make some difference with butchers to wait for pay.

There is a woman in the Asylum named Manahan ; I saw her yesterday ; she was admitted while I was there in 1855 ; she had with her about seventy dollars, perhaps a trifle more ; I delivered the woman and the money to Mrs. Reid ; the woman came from San Francisco on the steamer, and I took her to the Matron ; I know a man at the Asylum named Mois, a Canadian Frenchman ; don't know when admitted ; think in 1855 , he had a little upwards of \$60 with him ; I received the money from him ; it was the custom for me as steward to receive patients ; money and valuables to be kept till their discharge ; the property was generally marked by me and kept for the benefit of owner, when ready to receive it ; a man named Flockton was received in 1854, I think a few weeks after I went there ; I received from a Mr. Wm. Gwin a check on Adams & Co for \$100 for his benefit ; a few months after he came Dr Reid handed it me ; the money I got from Mois and Flockton I delivered to Dr. Reid when I left the Institution ; I took a receipt for all the money belonging to patients from Dr. Reid when I left, paying over the moneys to him—(receipt here exhibited :) Mois had a pair of boots purchased costing \$5 50 out of his money ; rarely that patients' money was expended for clothing, &c.; the boots were bought at the request of Mois ; thought it right to buy boots out of his money ; I had the impression that the patients having means should by law be required to pay their expenses ; if Mois wanted articles not furnished by the Asylum, I think Dr. Reid had the right to purchase them in like manner as I did from his own money ; don't know of money of patients being used to pay their expenses while I was there ; I think that an account should be kept of money expended out of purses of inmates.

[Dr. Langdon here offers the reports to the Legislature and his receipt book to show Dr. Reid has made no account of these funds. The receipt of Captain Hatton from Dr. Reid is for \$237 75.]

There were two mahogany sofas when I first went to the Asylum. No sofas purchased while there. I kept the books shown me. I made the entry for repairing two show cases, \$50. They were the same show cases that contained the specimens of reptiles, birds and quadrupeds. The money, I presume, was paid to Lessinger & Hubbard. The bill was made out by them, and I think audited by the Trustees. The book shown me is a mere copy of accounts kept by me.

*Cross Examined:*—Never, during the entire time that I was there, were more than one coffin in a grave, or more than one body in a coffin. I am confident of it. I attended to the burials myself when not otherwise engaged. It

is possible there were double burials while I was there, but do not think it was so. It would probably have been the duty of Mr. Clark, a Keeper, to perform the duty in my absence; he generally assisted and superintended the making of the coffins. Mr. Wynkoop was there. He sometimes assisted making coffins. The graves I saw open on Friday, were not those made while I was there. I saw two graves opened myself. There were two coffins in each grave. The ground several feet below the surface, was dry, but not compact. Can't say that the graves have not been opened in the last three or four months.

The patients were always furnished a sufficiency of food; I gave orders for more or less, as the keepers represented it to be necessary; when there was any complaints of not having enough I generally got more for the patients; if there was a waste I diminished the quantity. I came from the mines at the information of Dr. Langdon that this examination would take place about this time; Dr. Langdon requested me to come, but I would not have come had I not desired to be here; the desire to be here was promoted by two motives, one was to see the State righted, and the other to prevent by my evidence, as far as it would go, the reappointment of Dr. Reid; I did not know but my evidence would have some effect to defeat him; I had no feeling to injure Dr. Reid except to defeat his re-election; as a physician I think Dr. Reid as competent as the general run to take charge of the Asylum.

Q—Have you any ill feelings or have you not against Dr. Reid?

A—I have no enmity against Dr. Reid.

*Direct Examination resumed :* I received a letter of inquiry concerning money of patients some two or three months ago from Dr. Langdon; never saw Dr. Reid do otherwise than treat patients kindly; his orders I am impressed were always kind, and that blows should never be used; don't think he was always strict with keepers; think he was rather slack; when keepers abused patients I reported to Dr. Reid; the Trustees made frequent visits to the Hospital outside their monthly meetings; I think the spirit of the law was fully complied with by the Trustees so far as visiting the Institution is concerned.

J. K. HATTON.

HENRY HUBBARD, sworn:

Reside in Stockton; am a furniture dealer; recollect certain cases being brought to my shop for repairs, from Asylum; they were repaired by order of Dr. Reid; it was in the fall of 1854; made new doors to them, painted and glazed them; I charged \$50; received my pay from Treasurer of Asylum; I made out my bill against the Trustees; did not attend the meetings of the Board of Trustees to see my bill audited; some one called for my bill; it was one of the attaches of the Asylum; can't say whether it was Capt. Hatton. or not; don't know that I was paid by the Asylum, except I was paid by the Treasurer; the bill was presented in the course of a month after the work was done; it strikes me it was three or four months after that I got my pay; Dr. Stevenson was Treasurer at the time; there were other repairs done to Asylum furniture by me; am positive that I got \$50 for repairing the cases, and that I got my pay from the Treasurer; the charge of \$50, on page 48 of Report of last year, dated 24th of March, is for the repairs, I think; don't know what the cases were used for; never saw them after.

H. HUBBARD.

2 w. sofas,	1 m. bedstead, -	\$45
1 wardrobe,	2 wardrobes, @ 90	180

1 m. sofa,	2 sofas, @ 50	-	-	\$100
2 w. sofas,	3 w. sofas, @ 40	-	-	120
1 m. sofa,	3 sofas, @ 35	-	-	105
1 m. wardrobe,	2 w. wardrobes, @ 65	-	-	130

2 wardrobes, 2 sofas, and 1 bedstead, accounted for as per vouchers.

*Articles charged as missing.*—1 mahogany bedstead, \$45, June 6th, 1854 ; 2 sofas ; 2 wardrobes.

ENOCH GOVE, sworn, for Dr. Langdon :

Believes the copy of inventory of property taken to be correct ; knows that all the property transferred to Dr. Langdon was not on the inventory ; there were more bedsteads transferred than appeared on inventory ; some two or three more bedsteads than on inventory ; in taking inventory, frequently observed articles overran ; did not observe bedsteads particularly ; do not know what was the value of the bedsteads ; has said that some clothing did not hold out ; a pair of sheets, for instance ; he did deliver the inventory as nearly correct as he could make it at the time ; is satisfied that he put down all of the important articles ; articles not enumerated were expressed by the term “ &c. ; ” meant minor articles by the use of the term “ &c. ; ” found bedsteads overran ; would not include mahogany bedsteads in using the term “ &c. ; ” would likely have observed wardrobes or sofas if they overran. Believes that the vouchers offered in evidence are the original vouchers ; these and other vouchers were deposited by the old Trustees in the office of the Trustees, in a box nailed and labelled, at the time of our leaving.

ENOCH GOVE.

THOS. LILEY sworn for Dr. Langdon.

Saw in July, 1855 ; rice, sugar, candles, coffee and packages placed in wagon and carried off ; destination unknown to witness ; about twenty pounds rice, may be from twenty to thirty pounds sugar and the same amount of coffee, and about twenty or twenty-five candles ; may have been more or less ; has seen sacks apparently containing onions, &c., sent in wagon away from his residence ; he could not see what was in the wagon ; he was frequently about the Asylum ; supplied it with vegetables ; the first lot of groceries were taken from the store house of the Asylum ; if they were the private stores of Dr. Reid he would be likely to place them in the Asylum ; the Asylum lies in a direct line to the ranch of Dr. Reid ; has seen something carried away in the year 1856 ; were generally carried away about first of the month ; on the first February last was carried away two sacks of onions and same of potatoes, and one hundred of cabbage ; saw it carried away, he standing at big gate ; did not look to see if any marks were on the sacks ; saw some boxes and some tin cans, four or five sacks of flour, two sacks of potatoes, one sack of onions, and other articles not remembered, carried away ; was at the kitchen door ; was by the same team ; saw a pump taken from the Asylum and put in Dr. Reid's yard ; was about the latter part of February or beginning of March ; was used for irrigating Dr. Reid's garden ; did not notice any vegetables at the garden ; saw Conway take away two chairs one night last May he believes, to Dr. Reid's residence ; has seen lumber carried away from the Asylum grounds ; carried to Dr. Reid's ; has seen nothing else carried away ; one or two sacks were marked J. A.

*Cross Examined.*

Is named Thomas Liley ; is thirty-years of age ; was born in London ; resided



in New Orleans; came from Boston to this State in June 10, 1850; has resided in Stockton five years; is a gardener; has supplied the Asylum with vegetables in June and July, 1855; was every day in the Asylum during that time; there was no secrecy manifested in their taking the articles mentioned away; Dr. Reid never complained to my mother about me or my hogs; my hogs were dogged and scalded on the Hospital grounds; knows that a man went every day to mend the fence that separated my garden from Hospital grounds; had some words with Dr. Reid; does not know the cause of it; Dr. Reid told me that I was impudent.

THOMAS LILEY.

Dr. FREY recalled by Dr. Langdon—two sofas in Trustee's room; one mahogany sofa in Apothecary's shop; two sofas in Superintendent's room; one sofa in the house; believes that embraces all the sofas. The inventory is correct in regard to the main articles; were two wardrobes, both mahogany; never saw a mahogany bedstead; some common wood stained; if it was mahogany it was japanned; the value of the best bedstead think about \$25 or \$30; never bought a double bedstead, being a single man.

JOS. M. FREY, M. D.

A. C. BAINE, for Dr. Langdon, sworn—

Many persons; the employees; did not speak or write well, and I asked Dr. Reid to get a power of attorney from them, that I might pay him the moneys, and thereby save me a great deal of trouble; I invariably paid Dr. Reid the money after he got the power of attorney. I do not know by names, whether the employees, as stated by the Resident Physician, were employed or not; I only know that the number of employees was increased at the request of Dr. Reid. Don't know that the number of men as employees were employed or not; never had any doubt of their being employed. Don't know when he saw the power of Attorney last; it was placed in the box with the archives; supposes that Dr. Langdon has seen it since he has, as he understands that it has been opened recently in the Asylum.

A. C. BAINE.

The case rested for the prosecution.

Dr. COWAN, for defense:

Knows all the employees; knows that they were employed in the Hospital; Creaner was not there when we left, might be five or six weeks before we left that Creaner left. The general health of the patients was very good, there could not, I know that there was not, more than four patients in bed, there was not any bed sores on any of the patients when I left. The patients always received plenty to eat; it is natural for an insane person to complain of want of food, moreover, if they received all they wanted they would kill themselves in three days. The average number of deaths was three or four, it might have been five, per month; three months has elapsed without a single death occurring. Never has seen any patient interred but two; has seen them in a coffin; has seen three corpses at one time; never followed to the grave but two persons; never knew any of the patients to be whipped, would have known it if it ever occurred; know of one keeper who was discharged for striking a patient; does not know of the removal of any furniture belonging to the Asylum, would have known it if any had been removed; never saw

any team at the Asylum in his life to carry away anything; does not believe that anything was ever carried away from the Asylum in the shape of provisions or groceries; does not know anything about a barn or stable being removed from the lands of Asylum; knows that there was a small shanty. I have visited the Asylum occasionally after my removal. I saw not the slightest sign of intoxication among the patients; the day we left I went into the first and second wards—the worst wards—and am not certain that I was in the third ward; most certainly would have known if any liquor was distributed; never saw any keeper drunk within the limits of the Asylum. There is no regularity in the appetite of an insane person—when the mind is diseased the body must necessarily be so; in that morbid condition the appetite is capricious. The patient after a fit of raving is debilitated, pulse very feeble, extremities are, as a general rule, cold; in a fit of raving the pulse is full, hard and quick, the appearance haggard, the eye wild and glaring. As a general feature of insanity the hand is cold and clammy.

*Cross-examined* : Always some defect in the health of insane patient ; has found obesity a characteristic of insanity ; did not reside in the Asylum ; went to the Asylum generally from 7 to 9 o'clock A. M., left from 11 to 3 P. M. ; sometimes called in the evening ; when gone to dinner things might have been taken ; would certainly have heard of it from servants or keepers ; does not know how they were buried ; has seen them in coffins ; never saw but one in a coffin ; I did examine the bodies of patients who were sick, and found no one with bed-sores within a week before I left ; bed-sores may accumulate within a week ; knows that there was a washerwoman employed ; may have been insane or not have been ; does not know of twelve patients dying in one month.

WM. D. COWAN, M. D.

DR. W. M. RYER, sworn for the defense :

Resides in the city of Stockton ; has resided since the year 1851 ; is a physician ; is familiar with the general usage and management of hospitals ; was a frequent visitor of the Hospital during the management of Dr. Reid ; frequently went through the wards ; saw the patients ; I found the general management good, the treatment of the patients kind ; has made dissections in the Asylum ; made a dissection last summer—was a Mexican ; the intestines were placed in a little keg or half-barrel, as is customary, and in a few days after finished the subject ; heard Dr. Reid tell an attendant to bury the contents of barrel ; it is customary in all hospitals to make dissections of this kind ; thinks a thousand lives are lost for want of dissections in California ; several lost in Stockton from this cause ; it is an acknowledged principle among medical men ; has visited the Asylum under Dr. Langdon's administration ; when I visited the Asylum, it then bore the evidence of being prepared for inspection. I found some of the patients better—some worse ; I was struck with the want of feeling of affection existing between the patients and the attendants. I thought I saw fear marked in the faces of many patients, when I recognized and was familiar with their cases. I think there must be more compulsion and less affection than heretofore ; it being inspection day, I saw them congregated in one or two rooms ; saw the Hospital in its most favorable aspect. I have been for a number of years Assistant Surgeon in the U. S. Army. Mr. Hatton said at the supper table that "by God he intended to prevent Dr. Reid from getting that office again ; by God neither Dr. Reid nor Mrs. Reid should ever enter that Hospital if he could prevent it." He has repeated similar expressions to other persons ; they have told me so ; have heard orders in two or three instances given by Dr. Reid to bury persons, and they were in accordance with the customs of all well regulated Hospitals.

*Cross Examined:* I did not volunteer to visit the Asylum the other day ; was there in the neighborhood of two hours ; was not at the Asylum before, that is, within the walls. Says that it looked as if it were prepared for inspection, because the men were gathered together, and not in their rooms—much to their detriment and injury ; the hospital also bore evidence of recent washing. To a practised eye, that Hospital bore unmistakable evidence of being prepared for inspection. They (the patients) were in rooms up stairs and down ; there was a stove in the room down stairs ; most of the rooms were locked—another evidence of its being prepared. If the rooms are always locked, it must inure to the injury of the patients. With an insane person the physical as well as the mental body is weak, and if kept from lying down all day the physical as well as the mental system is exhausted, and if exhausted, then bad practice has been pursued. It is proper sometimes to let the patients have exercise. There was no Insane Asylum attached to the Hospital of which I had charge ; I have not had any experience in the management of Insane Asylums, but have a very correct appreciation of how they should be managed.

Is your appreciation of the management of an Insane Asylum more the result of dislike to Dr. Langdon than the result of his judgment ?

No, sir ; I am acquainted with Dr. Reid professionally, and Dr. Langdon professionally ; I do not think the Institution as well managed now as it has heretofore been ; I like Dr. Langdon as well as a professional man can like another in the profession when he believes him elevated to an office which he cannot fill properly ; have not unfriendly feelings personally to Dr. Langdon ; does not remember having said that he would have him removed if he could ; was in the Asylum within two or three weeks before Dr. Langdon took charge.

W. M. RYER, M. D.

GEO. H. SANDERSON, sworn for defense :

Resides in Stockton ; has resided there a little over six and a half years ; is a merchant ; is acquainted with the management and reputation of the Hospital under Dr. Reid. I have heard but one expression, and that is that it is one of the best managed institutions of the kind that any person has ever seen ; have heard but very little of its present management ; never heard of but one person being interred in a grave until recently ; passed the grave-yard frequently in the last summer, having had charge of a grave-yard adjoining for the Odd Fellows. I would not trust a near relative in the Asylum under the present management, because the Resident Physician is not of sufficient moral character.

*Cross-examined.*—Am acquainted with Dr. Reid and his wife ; would be willing to trust a female relative under the former matron ; thinks Dr. Langdon a man of integrity ; has heard within the last two years many rumors in regard to the immorality of Dr. Langdon ; regards Dr. Langdon as a well-meaning man, but impulsive, and a man of strong passions ; thinks that his judgment might be warped ; does not, of his own knowledge, know anything of the moral character of Dr. Langdon ; judges of it from rumor ; never learned anything from the former matron in regard to Dr. Langdon.

GEO. H. SANDERSON.

DR. C. GRATTAN, sworn :

Reside in Stockton ; resided here since September, 1850 ; am a physician ; was a member of the Board of Trustees preceding the present one ; was at



Asylum the day the Asylum was delivered to Dr. Langdon ; I remained at the Hospital a half hour or so after Langdon took possession ; saw the keys brought to Dr. Frey by Dr. Reid and delivered ; think Dr. Langdon brought one or two keepers with him ; saw no keepers or patients intoxicated on that day ; went through the Hospital and helped check off the inventory of furniture ; knew the general character of the Hospital under Dr. Reid ; was a frequent visitor ; do not know how the patients were treated ; patients seemed to be affectionate and well treated ; keepers seemed to be kind ; the patients did not appear to suffer from the want of food ; has visited the Asylum under Dr. Langdon ; has noticed that several patients who were emaciated when under Dr. Reid are now missing ; supposes that they have died ; also noticed that several have improved in flesh under Dr. Langdon's management ; I went to the Asylum and examined minutely, in order to detect any difference, if it existed ; observed no improvement intellectually ; can make no comparison with the present period and last year ; is well aware that patients are most apt to flesh in the winter months ; was in the habit of visiting the Asylum under Dr. Reid, and observed it always clean, and was satisfied from that fact of the interest which the Resident Physician took in its management ; I think I visited the Asylum once since Dr. Reid left ; at that time it did not look so cleanly as when I saw it last, under Dr. Langdon ; I do not know what hour in the day it was ; if it was in the morning, it would make a difference ; Dr. Langdon took possession on the first day of October last, at about 11 o'clock, A. M. ; I saw all the patients that morning who were in the Asylum ; do not know anything in regard to the removal of any property belonging to the Asylum.

*Cross examined.*—In visiting the Asylum I always found most of the doors unlocked leading to the bed-rooms ; some were locked ; unlocked when I visited it yesterday. At the time of the delivery of the keys there seemed to be some words between Dr. Reid and Dr. Frey ; we took an inventory and found every thing correct ; after that, Dr. Reid handed over the keys, he thinks to Dr. Frey, and told him where the keys belonged ; Dr. Reid told Dr. Frey that if he wanted the register or records he might have them ; Dr. Frey observed that he had lived thirty-five years and had never asked a favor of any man, and he was now too old to commence ; everything seemed to go off quietly ; Dr. Reid seemed to take a great interest in going around the Asylum.

C. GRATTAN.

ENOCH GOVE, for defense:

Was at the Asylum the day Dr. Reid gave up possession ; remained from 8 or 9 in the morning to 4 or 5 in the afternoon. After being there some three-quarters of an hour, Dr. Langdon and Mr. Frey appeared ; Dr. Reid did give to Dr. Langdon a record of all the patients ; I saw Dr. Reid hand to Dr. Frey all the keys of the Asylum, Dr. Frey on receiving them labelled all the keys ; saw an escaped patient brought back on a dray drunk, had been drinking in town at a bit shop ; visited Asylum frequently, and always found it cleanly and well managed ; does know of the removal of birds, they were always considered the property of Dr. Reid ; saw a pelican being removed, asked Dr. Reid if it was a present from my brother, he answered yes ; it did not occasion any surprise to me to see them removed. The names of the employees are familiar ; could not swear that they were employed, believe that they were. After the principal fence that enclosed the premises was put up, the hogs of L. M. Lilley were in the habit of trespassing within the grounds, injuring the property of the Asylum, and it cost the Asylum

something to prevent them from lifting gate, &c.; we then adopted retaliatory measures.

*Cross Examined* : Would know the employees if I saw them ; derived my information from what I saw and what Dr. Reid told me. I have no personal knowledge that the number of keepers as appears on the record is correct ; can't tell whether that is the record left by Dr. Reid or not, the Dr. kept many books similar in appearance. Dr. Reid said to Dr. Langdon there was the record of the patients, and Dr. Langdon did not deny it.

ENOCH GOVE.

A. SPERRY, sworn for defense :

Reside in Stockton, have resided here seven years. Dr. Reid purchased eight sacks of flour from me November 20th, bought flour of me previously—have not looked over my books to determine but for the flour bought November 20 ; Dr. Reid paid me for it ; Do not keep the books ; don't know whether he paid me in person or not ; never put any marks on the sacks of flour sold Dr. Reid ; never sold flour to the Insane Asylum.

*Cross Examined* : Think Dr. Reid has bought more or less flour of us for a long time.

A. SPERRY.

H. W. GILLINGHAM, sworn for defense :

Reside in Stockton ; resided here eight years ; have supplied the Asylum with groceries ; supplied it about six months in 1855, from July to January ; never furnished flour to the Hospital.

H. W. GILLINGHAM.

E. GOVE, recalled for defense :

From January 1st, 1856, up to October following, I supplied the Asylum with groceries. During that time the orders from the Asylum never exceeded one sack a month, and sometimes not every month was a sack ordered. Dr. Reid purchased of me on his own account, for home use, and for ranch groceries and provisions ; can't say whether he bought flour or not. Dr. Reid paid me for the articles.

ENOCH GOVE.

GENERAL BOOKER, for defense :

Reside in Stockton upwards of seven years ; was a member of the Board of Trustees preceding the present one. Mr. Gove or Lyons was elected I think to fill the vacancy occasioned by my resignation, which took place a short time previous to the present Board coming into power ; the general condition of the Hospital, so far as I know, was good ; do not know of a single instance of mismanagement in any respect ; had known of any I should immediately have brought it to the notice of the Board ; was in the habit of visiting the Hospital at least once a month ; made it my business to go through the various wards ;



never saw anything out of the way, or that the Physician failed to do anything required by law.

I resigned some time before the present Board were qualified ; it was some time after the Governor made his appointment—about a month I think ; have been at the Institution but once since Dr. Langdon took charge ; know nothing about the management from the time of my resignation to the 1st October.

SAMUEL A. BOOKER.

CAPT. CONNER, sworn for defense:—

Reside in Stockton ; resided here about five years ; was acquainted with the general character of the Asylum under Dr. Reid ; was President of the old Board of Trustees, and had occasion to visit the Asylum often. Visited the Asylum almost every day during the last two or three months of Dr. Reid's administration ; went through the Wards often ; always found everything in admirable order ; went sometimes when not inspection days, but never saw any difference ; it was always the same every day. Took particular pains as President of the Board, to examine every account at each monthly meeting ; always found them correct, so far as I could judge. Whenever I had doubts about articles specified in bills being necessary, I received satisfactory answers on inquiry. Have been through the Wards since Dr. Langdon took charge ; never discovered any difference under the two administrations. Saw no difference in appearance of Wards ; went through the Wards but once since Langdon took charge. Never any old broken furniture sold to my knowledge ; some old iron bedsteads were given away by common consent, to ballast a vessel. Was at the Asylum the day of change ; saw no man intoxicated, nor heard of any ; was there between the hours of 9 and 3 ; not in the various Wards frequently during the day ; think I was through one or two Wards—the lower ones. Have no knowledge of an escaped inmate being brought back that day. Always thought the cabinets of minerals and birds belonged to Dr. Reid.

P. EDW. CONNER.

S. PEARSALL, sworn for defense :

Live opposite Dr. Reid's, near the Asylum ; have lived there between three and four months ; know a man named Thomas Liley ; would not believe him so far as truth is concerned, under any consideration ; don't believe I would take his evidence on oath.

*Cross-examined.*—Have my reasons for saying I would not believe him on oath ; believe he would say or do anything against Dr. Reid or any body else, because he is inimical to him ; have heard him say so unfriendly to Liley ; never had any particular difficulty with him ; the only difficulty was, he was talking about a person of my acquaintance, and I checked him for it ; have heard Liley talk against Dr. Reid ; his feeling appeared to be very bitter towards him.

S. PEARSALL.

S. P. CHRISTY, sworn, for prosecution :

Reside in Stockton ; resided here nearly four months ; am Steward of Asylum, am there every day ; am in all the wards generally every day. The Asylum

was in its usual state when Dr. Ryer visited it last Saturday. The Asylum was in its uniform state. In the lower ward most of the rooms are generally open; in the second ward the most of them are closed; in the third ward they are generally open. The Asylum is washed every day; some of the wards when the patients go in and out, twice a day; never was ordered to put the Asylum in a condition to receive this Committee; heard they were coming, and made arrangements to put the Asylum in order. It is the general order of Dr. Langdon to keep the Asylum clean.

S. P. CHRISTY.

JOHN R. HOBBS, sworn for prosecution :

Reside here; have resided here since March, 1853; occupation, Deputy Treasurer of San Joaquin County; have been acquainted with Langdon since 1853; his character is good, so far as I have known; never knew of a single act reflecting upon his honor in any way; my physicians have been Ward and Langdon; Langdon still has my confidence.

JNO. R. HOBBS.

H. HUBBARD, recalled for prosecution :

Am acquainted with Enoch Gove; would not believe him on oath; have had difficulties with him in business transactions; have had unfriendly words with him; entertain a personal dislike to him; amounts to a hatred; he was owing me a debt and I found him on the point of failing; was put to considerable trouble in getting out an attachment and securing myself; he deceived me in business transactions; I released an attachment and trusted to his word and honor; he transferred his property soon, and forfeited his word and honor.

H. HUBBARD.

B. W. OWENS, sworn for prosecution :

Have resided in Stockton between six and seven years; am a merchant; know Enoch Gove; should hesitate to believe him on oath, especially where he was interested; had confidence in Mr. Gove up to about two months ago; confidence now destroyed by misrepresentations in business matters; another reason was, he does not believe in future reward and punishment; he grossly misrepresented his financial condition and abused my trust; he induced me to release an obligation; he stated he had lost all regard for the opinions of others, even his friends; had lost confidence in everybody; this is one of my principal reasons for not believing him under oath; he also violated, on one occasion, a confidential trust.

B. W. OWENS.

DR. GRATTAN recalled for prosecution.

Should judge that a physician could form a pretty good opinion of condition of patients by an occasional visit.

COL. O'NEIL recalled for prosecution.

Am acquainted with character of Langdon; it is very good; have as high an opinion of his honor and integrity as any man in the city; had been my family phy-

sician for two or three years ; he is not an immoral man to my knowledge ; have heard jokes from his personal friends concerning his private character ; took it as a joke ; would'nt have the least hesitation in placing my daughter in the charge of Dr. Langdon.

J. W. O'NEIL.

DR. G. A. SHURTLEFF sworn for prosecution.

Have been in Asylum lately ; was there last Saturday ; am a physician by profession ; am one of the Trustees ; have visited Asylum frequently ; always bore evidence of recent washing, at least some portions of it ; should not hesitate to send a female relative to the Asylum while in charge of Dr. Langdon ; think the reports of his character were started by his friends for fun ; don't know anything of truth of reports from my own knowledge ; am a man of a family ; think Langdon a competent man as a physician for the Asylum ; consider him a man of more than ordinary professional attainments

G. A. SHURTLEFF.

JUDGE SHAFER, sworn for prosecution:—

Live in Stockton ; am County Judge of San Joaquin. I think Dr. Langdon's standing in the community good ; do not consider him an immoral man ; think he has been jested with by his friends, and unjustly, and very improperly—and has been injured thereby. They did it for the sake of a joke ; the stories were sometimes largely embellished. Strangers would be liable to receive false impressions.

J. K. SHAFER.

DR. COWAN, recalled:—

Have known Langdon all his life ; as a Physician, in the States, accounted one of the best. Would as soon trust my life to him, as a Physician, as to any one in the world ; was always a gentleman in Carolina. Would trust a female relative with him.

WM. D. COWAN.

DR. HUNTER, sworn for prosecution:

Reside in San Joaquin County ; have resided here since 1853 ; am a physician ; have been an Assistant-Surgeon in the United States Army ; have had charge of large Hospitals ; have had charge of insane patients ; think Dr. Langdon competent to take charge of the Asylum ; find the patients improve under his treatment ; have visited the Asylum frequently ; was in the Hospital a few minutes after Dr. Ryer visited it, on Saturday last ; was told Doctors Norcom, Grat-tan and Ryer had been there ; nothing unusual in the appearance of Asylum that day ; did not seem to be in better order than usual ; am certain it was not ; in the second ward the doors are shut, because the patients are violent and would destroy property, tumble up the beds, break the sash, etc., or would be in bed all the time ; there are bed-rooms open below, where the patients can lie down when they wish ; visited the wards the day Dr. Langdon took charge ; saw bed sores on two patients ; a patient in the third ward had one as large as my hand ; it was on lower part of the spine ; one of the patients died of bed sores ; both were very much emaciated ; was a member of the last Legislature ; say the patient died of bed sores, because the flesh sloughed off and exposed the spinal marrow ;



know positively that Mr. Sanderson is a bitter enemy of Dr. Langdon; should not place any reliance on what he would say concerning a man to whom he was so bitterly opposed as he is to Dr. Langdon; always understood that Doctors Ryer and Langdon were unfriendly.

J. W. HUNTER, M. D.

E. HICKMAN, sworn for prosecution:

Have resided in Stockton six years; am a merchant; know Enoch Gove; would not believe him on oath where personally interested, because he has swindled me; he has lied to me in business transactions; never knew Gove to swear falsely; never knew him to swear at all.

E. HICKMAN.

Patients in the Asylum, January 1st, 1856—Male, 140; females, 22; total, 162.

Number admitted from January 1 to October 1, 1856—Males 162; females, 31; total, 193.

Whole number under treatment during the same period—Males, 302; females, 53; total, 355.

Number who recovered and were discharged—Males, 128; females, 20; total, 148.

Number who died—Males, 14; females, 5; total, 19.

Number remaining October 1, 1856—Males, 160; females, 28; total, 188.

Of those in the Asylum January 1, 1856, there were—Americans, 104; foreigners, 58.

Of those admitted in 1856 to October 1st, there were—Americans, 103; foreigners, 90.

Among the Americans nearly every State in the Union was represented; and among the foreigners, Germany, France and Ireland sent the largest number.

The counties of San Francisco, Sacramento, Amador and El Dorado, furnished nearly one-half of the whole number.

In regard to the first accusation, my answer is, that all the employees of the Asylum, *viz*:

1 Darius Kesek, Steward,	7 Victor Quinto, Officer,
2 John Brissler, Keeper,	8 Manuel Jevier, Cook,
3 William Hill, “	9 John Decosta, Assistant cook,
4 Const. Creaner, “	10 Mrs. Reid, Matron,
5 William Seseta, “	11 Lissie Cunningham, Female Att.,
6 Antonio Silva, “	12 Joanna Sliegher, Washer,

were punctually paid; were all employed in the Asylum at the time of my dismissal, and most of them for nearly four or five years previous.

John DeCosta, cook, was not paid for the last five or six months; he had become drunken and worthless; stole money from my drawer; I whipped him and he ran away; he is a Lascar.

Second. “That Eliza Manahan, William Flockton and Lewis Morse, patients, brought money to the Asylum, which was not accounted for to the present physician.”

Eliza Manahan was discharged, sent to San Francisco with her friends, and her

money given to her, and was re-admitted a few weeks afterwards, as the records show.

Flockton was an inmate of the Asylum over two years, and Morse for nearly the same time, and their money was expended for clothing, so long as it lasted; which the act creating the Asylum requires: "Those able to pay their own expenses to do so."

3d. "That certain furniture purchased for and belonging to said Asylum was missing." The only articles removed by me were my bed-room furniture and my cabinet of birds and minerals, which were my individual property.

In regard to the cases of birds, the cases were injured by breaking of the windows, in service of the Asylum, and were repaired at its expense.

The barn spoken of was a 10 by 12 shed where my horse was kept, and was torn down. The small house also mentioned was a dog house, or pigeon house, or both.

4th. "The pavement in the female yard," was a walk of rubbish and brickbats, and was removed because it was a nuisance; was first carried into the street, and then into the garden.

5th. "The Records are incorrect." The evidence shows that the discrepancy is simply one. My Records show 62 deaths to December 31, 1855. The number of deaths to October 1, 1856, was 19, which added to the previous number—62, makes 81; from which deduct 20 buried in the City Cemetery by Coronor Bond, leave 61—a discrepancy of only one. Two patients were never buried in one coffin but once—a Chinaman and a Mexican—a case of dissection; nor were two coffins ever put in one grave to my knowledge or belief, and which was proven by my Steward and keepers.

ROBERT K. REID, M. D.,  
Late Chief Physician, Insane Asylum.



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IN SENATE.]

[EIGHTH SESSION.

# REPORT

OF THE

SPECIAL COMMITTEE

ON

# STATE DEBT.

JAMES ALLEN, STATE PRINTER.

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STATE DEPT.

SECRETARY OF THE STATE

REPORT

OF THE

COMMISSIONER

OF THE LAND OFFICE

# REPORT.

*To the Honorable the Senate :*

The Special Committee to which was referred several bills relating to the State Debt, have carefully considered the same, and find that one is quite lengthy, and its publication will cost too much, since it is believed a much shorter Act will accomplish the same desirable object. Another of the bills refused is thought not to be perfect in itself, as required by the Constitution, because it refers the direction and control of many of its most important provisions to the disposition of various preceding laws, now supposed to be unconstitutional ; and the other bill referred requires too heavy taxation and imposes a more speedy payment than the resources of the State will permit, or the safety of its credit requires.

Since the most if not all of the outstanding claims against the State are technically invalid, they are, legally speaking, upon the same footing, and should be disposed of in the same manner.

The wealthiest of States, and those whose credit is best, have frequently, by funding, postponed payment of claims to remote periods, and thus have distributed the burdens over a series of years in such manner that the weight is hardly felt. It is for us to profit by the example, and so distribute the payment of our debts as not to cripple the energies of our young State.

Forced impositions for immediate payment cannot be borne by the people, and the debt presented in that shape seems high and monstrous, while in the form of a funded debt to be paid in portions, year after year, for twenty years, while the State is growing and developing resources not had by any other country, the debt is insignificant, financially considered, for the California of ten years hence.

The claims prior to January 1st, 1857, to be provided for, as we have found after careful inquiry, are:

Outstanding Civil Bonds.....	\$3,223,600
Interest that will be due on them when funded under the Act proposed.....	169,239
Warrants outstanding January 1st, 1857.....	229,079
Warrants due to be issued outstanding for salaries.....	24,374
Amount by liberal allowance due Smiley, &c., on State Prison claims.....	140,000
McCauley, Mahony, boatmen, &c., for supplies and transportation....	35,000

Total.....\$3,821,292

There are doubtless a few other and small claims not here included,  
which \$25,000 will amply cover..... 25,000

Thrown in, to make round numbers, for the amount of bonds to be  
issued..... 53,708

And we find the total nominal issue to be.....\$3,900 000

Let this all be funded, payable in 1876, at interest of 7 per cent, and the annual interest will be \$273,000.

Since 1853, inclusive, the assessment of taxable property in the State has ranged from 95 to 111 millions of dollars yearly, and it is admitted our assessments have been very defective; so we may safely take 100 millions of taxable property as a basis to begin with.

The construction of a wagon road to the older States—the institution of an overland mail—the probable speedy construction of a Pacific and Mississippi telegraph line—the settlement of land titles—and the almost certainty of a speedy commencement of the great Pacific Railroad, give assurance that the prosperity of this State has hardly sprung into life, and that its wealth and population will increase at least from 10 to 15 per cent. a year. Indeed, the statistics of the nation show a steady increase of national population, and wealth at the rate of 3, 4 and 5 per cent. a year; thus our proposition is far from extravagant as to California.

Thirty cents tax on each 100 dollars of taxable property, gives annually, to pay interest on bonds, an income of \$300,000; which will pay the interest, and leave to absorb bonds, even now, yearly, \$27,000. This annual income in five years, will be per year, \$450,000; in ten years, \$600,000; and in fifteen years, \$750,000.

Now, this income will absorb our debts, as proposed to be funded, in twelve or fifteen years, and the tax of thirty cents on the one hundred dollars is lighter than our interest taxes have been in years past.

All that may be received from the so called Civil Fund is also to pay these bonds, and it is believed the just claim of California to that Fund will ultimately be allowed, especially since the allowance will protect the credit and foster the best interests of the western sea-coast of the Union. If this Civil Fund (\$2,968,700) is received, then the bonds under the proposed Act will be speedily canceled.

The Act is to be submitted to the people, and we have confidence in their integrity, their honor, and their desire to save State credit, and to subserve their own best interests as citizens of California.

Mr. Malony, one of the Committee, is now absent, but, as we understand, entirely agrees with us in our report of the proposed Act.

We would recommend the passage of the Act herewith reported, drawn by the Committee. The Acts referred to us are returned without recommendation.

D. R. ASHLEY,  
JOS. WALKUP,  
J. O. GOODWIN,  
S. H. CHASE.



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[EIGHTH SESSION.

# ANNUAL REPORT

OF THE

# STATE TREASURER,

FOR

THE FISCAL YEAR ENDING JUNE 30TH, 1856.

[JAMES ALLEN, STATE PRINTER.

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# ANNUAL REPORT OF STATE TREASURER.

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STATE OF CALIFORNIA, TREASURY DEPARTMENT, }  
Sacramento, December 25th, 1856. }

To His Excellency,

Governor J. NEELY JOHNSON,

SIR:—I have the honor to submit herewith, a Report of the Financial Transactions of this Department, for the Fiscal Year, ending June 30, 1856.

Very respectfully,

Your obedient servant,

HENRY BATES,

State Treasurer.





DATES	FROM WHOM RECEIVED	Amount Paid	Interest of 4 per Cent	State Prison Fund	Debt Fund	State Fund	Land Fund	School Fund	State Property	County Prisons	County Jail	Library Fund	Interest of 4 per Cent	Interest of 1855	Water Fund	TOTAL
July	1855.															
1	Balance in Treasury	10,762.45	21,549.84	7,553.27	19,538.27	5,379.43	4,518.21	69,540.69	26.81	89.69	11.67	1,751.83	418.47			135,531.51
2	Treasurer of El Dorado county	3,138.54	67.55	3.74	3.74	114.47	47.81									20,261.78
3	" " San Francisco "	13,319.00	2,611.11	4,682.23	293.18	4,682.23	25.35									29,845.51
4	" " Contra Costa "	9,626.59					781.88									1,529.22
5	" " Stanislaus "	9,332.54	167.08	314.16	13.71		105.25									1,656.78
6	" " Nevada "	5,511.72	177.41	351.82	17.74											1,069.69
7	" " Humboldt "	9,924.65	911.15	1,841.98	49.98											1,569.09
8	" " El Dorado "	4,396.92	1,113.20	2,224.56	111.23		11.35									7,595.89
9	" " Mono "	3,339.11	173.95	347.90	16.59											553.54
10	" " Monterey "	6,531.25	93.16	211.84	16.29											1,243.15
11	" " San Diego "	1,471.23	266.12	522.54	25.66											2,596.25
12	" " Los Angeles "	9,819.99	95.36	247.69	19.66											1,815.72
13	" " Santa Barbara "	1,873.13	296.51	578.63	28.94											3,067.84
14	Treasurer of Plumas county	4,980.32	19.16	38.25	1.91		15,430.66									16,553.69
15	" " Fresno W. " " " " "	1,981.73	339.13	719.47	25.35											2,523.93
16	Treasurer of Sonoma county	2,252.31	75.45	156.62	15.13											2,568.53
17	" " Trinity county "	5,471.11				1.25										3,010.81
18	" " Sierra county "	1,138.05	333.95	587.95	29.46											5,131.41
19	" " Butte county "	5,945.15	150.74	301.51	17.05											2,156.70
20	Treasurer of Colusa county	569.73	178.46	358.92	17.83											1,131.67
21	" " Butte county "	2,115.41	95.69	199.11	9.59											2,538.62
22	October 21 W. Dwyer, Secretary of State.	12,428.35	1,833.35	3,737.51	370.16											20,827.63
23	Treasurer of El Dorado county.	21,657.21	4,317.65	8,635.35	375.67	116.75	53.13									26,662.22
24	" " Yuba county "	3,952.26	102.36	204.72	10.23											15,848.15
25	" " Mariposa county "	4,959.58	222.45	453.85	22.24											2,952.25
26	" " Tulare county "	4,959.58	140.55	281.10	14.05											2,116.45
27	Treasurer of Plumas county.	4,959.58	140.55	281.10	14.05											2,116.45
28	27thicking Fund of 1851, to per. Interest.	1,437.51														7,879.29
29	27thicking Fund of 1851, to per. Interest.	1,437.51														3,316.58
30	27thicking Fund of 1851, to per. Interest.	1,437.51														20,371.63
31	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
32	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
33	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
34	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
35	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
36	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
37	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
38	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
39	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
40	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
41	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
42	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
43	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
44	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
45	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
46	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
47	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
48	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
49	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
50	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
51	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
52	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
53	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
54	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
55	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
56	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
57	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
58	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
59	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
60	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
61	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
62	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
63	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
64	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
65	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
66	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
67	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
68	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
69	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
70	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
71	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
72	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
73	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
74	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
75	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
76	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
77	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
78	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
79	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
80	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
81	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
82	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
83	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
84	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
85	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
86	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
87	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
88	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
89	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
90	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
91	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
92	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
93	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
94	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
95	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
96	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
97	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
98	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
99	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
100	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
101	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
102	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
103	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
104	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
105	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
106	27thicking Fund of 1851, to per. Interest.	1,437.51														1,559.58
107	27thicking Fund of 1851, to per. Interest.	1,437.51														



TABULAR STATEMENT of Expenditures out of the State Treasury from July 1st, 1855, to June 30th, 1856.

[illegible]

DR.

GENERAL FUND *in Account with*

1855.

July	1,	To Balance Overdrawn.....	\$1,506 98
	1,	" Paid Treasurer of El Dorado County.....	200 00
	11,	" " Contra Costa County.....	96 00
	13,	" " Butte County.....	619 00
	17,	" " Yolo County.....	1,227 00
	17,	" " Solano County.....	743 50
	17,	" " Los Angeles County.....	294 00
	24,	" " Alameda County.....	584 00
	31,	" Members of Assembly, preferred scrip.....	48,861 75
Aug.	17,	" Treasurer of Trinity County.....	420 00
	31,	" Members of Assembly preferred scrip.....	26,505 85
Sept.	4,	" Treasurer of Mariposa County.....	706 00
	10,	" B. C. Whiting.....	84 00
	12,	" Registered Warrants.....	15,995 79
	14,	" Registered Warrants.....	5,000 00
	14,	" J. S. Stewart, preferred scrip.....	324 00
	17,	" Registered Warrants.....	5,960 00
	17,	" Wm. Corry, preferred scrip.....	168 00
	20,	" Loss on gold dust from Siskiyou.....	35 17
	20,	" Loss on gold dust from Mariposa.....	569 63
	27,	" C. M. Daniels, preferred scrip.....	445 84
	27,	" G. C. Newman, preferred scrip.....	113 00
Oct.	2,	" E. O. Hastings, preferred scrip.....	211 00
	8,	" Registered Warrants.....	17,618 75
	8,	" Members of Assembly preferred scrip.....	469 00
	10,	" Registered Warrants.....	315 00
	16,	" Registered Warrants.....	3,475 00
	17,	" Registered Warrants.....	5,163 60
	18,	" Registered Warrants.....	15,000 00
	24,	" Registered Warrants.....	450 00
	24,	" Loss on gold dust from Mariposa County....	125 27
	25,	" Registered Warrants.....	8,200 00
	29,	" Registered Warrants.....	6,008 08
	30,	" Registered Warrants.....	3,829 42
Nov.	1,	" Treasurer of San Joaquin.....	2,104 33
	1,	" Registered Warrants.....	350 00
	2,	" Registered Warrants.....	977 33
	2,	" Members of Assembly.....	240 00
	3,	" Registered Warrants.....	1,135 33
	5,	" Registered Warrants.....	50 00
	6,	" Registered Warrants.....	1,481 42
	7,	" Registered Warrants.....	3,876 85
	8,	" Registered Warrants.....	3,894 07
	9,	" Members of Assembly.....	1,320 00
	9,	" Registered Warrants.....	283 99

Amount carried forward,       -       -       -       \$187,037 95



HENRY BATES, State Treasurer.

CR.

1855.				
July 1,	By	Received of Treasurer	El Dorado County.....	\$17,240 47
1,	"	"	Shasta Co.....	3,135 54
11,	"	"	San Francisco Co.....	13,349 06
11,	"	"	Contra Costa Co.....	852 82
13,	"	"	Butte Co.....	9,698 29
13,	"	"	Stanislaus Co.....	533 54
16,	"	"	Placer Co.....	2,174 81
16,	"	"	Humboldt Co.....	574 72
16,	"	"	Nevada Co.....	9,924 65
17,	"	"	Yolo Co.....	1,936 62
	"	"	Solano Co.....	4,208 92
	"	"	Monterey Co.....	330 41
	"	"	Napa Co.....	892 93
	"	"	San Diego Co.....	530 39
	"	"	Los Angeles Co.....	1,471 32
	"	"	Yuba Co.....	4,798 39
	"	"	Santa Barbara Co.....	757 94
	"	"	Amador Co.....	9,819 99
24,	"	"	Alameda Co.....	1,377 13
27,	"	"	Tuolumne Co.....	4,967 32
Aug. 3,	"	"	Sonoma Co.....	1,861 75
6,	"	"	Trinity Co.....	3,202 06
10,	"	"	San Joaquin Co.....	613 66
11,	"	"	Siskiyou Co.....	2,322 91
11,	"	"	Sierra Co.....	5,171 41
25,	"	"	Colusi Co.....	1,158 05
Sept. 4,	"	"	Mariposa Co.....	9,264 99
4,	"	"	Santa Cruz Co.....	569 73
15,	"	"	Plumas Co.....	549 31
29,	"	"	San Francisco Co.....	2,716 14
Oct. 5,	"	"	El Dorado Co.....	27,657 22
13,	"	"	Placer Co.....	10,072 17
15,	"	"	Yuba Co.....	8,835 08
17,	"	"	Mariposa Co.....	2,892 26
18,	"	"	Santa Clara Co.....	12,119 82
22,	"	"	Tuolumne Co.....	4,959 88
26,	"	"	Sutter Co.....	426 48
27,	"	"	San Francisco Co.....	7,909 48

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Amount carried forward..... \$190,877 66

DR.

GENERAL FUND *in Account with*

1855.

		Amount brought forward,.....	\$187,037 95
Nov.	10,	To Paid Registered Warrants.....	1,223 33
	12,	" Members of Assembly.....	119 60
	12,	" Registered Warrants.....	959 01
	13,	" Registered Warrants.....	270 00
	15,	" Registered Warrants.....	661 83
	16,	" Registered Warrants.....	3,000 00
	16,	" Members of Assembly.....	123 00
	23,	" Members of Assembly.....	456 00
	28,	" Registered Warrants.....	1,672 90
	28,	" Registered Warrants.....	669 50
	30,	" Registered Warrants.....	1,441 33
	30,	" Certificates of balance.....	143 00
Dec.	6,	" Registered Warrants.....	2,634 46
	7,	" Preferred Scrip.....	168 00
	12,	" Registered Warrants.....	5,474 33
	13,	" Registered Warrants.....	798 87
	13,	" Preferred Warrants.....	74 00
	13,	" Preferred Warrants.....	84 00
	13,	" Preferred Warrants.....	556 80
	13,	" Registered Warrants.....	527 00
	17,	" Registered Warrants.....	868 57
	17,	" Registered Warrants.....	516 66
	19,	" Registered Warrants.....	784 40
	22,	" Registered Warrants.....	630 00
	24,	" Controller's order to W. Wand.....	3,025 71
	26,	" Registered Warrants.....	30 00
	28,	" Registered Warrants.....	90 00
	28,	" Treasurer of Sacramento County.....	262 75
	29,	" D. R. Ashley, preferred scrip.....	951 00
	29,	" J. S. Cohen.....	69 75
	31,	" Registered Warrants.....	3,533 23
1856			
Jan.	1,	" Selover & Sinton. Refunded by late Treasurer	31,300 00
	2,	" Registered Warrants " " " "	1,275 00
	5,	" Certificate on preferred scrip.....	260 00
	8,	" Preferred scrip.....	156 00
	10,	" Preferred scrip.....	34 68
	11,	" Preferred scrip.....	66 00
	17,	" Loss on 155 $\frac{3}{4}$ ozs. gold dust from Merced County	132 62
	31,	" Registered Warrants.....	88,244 37
Feb.	29,	" Preferred scrip.....	467 28
	29,	" Registered Warrants.....	57,976 27
March	1,	" Registered Warrants.....	7,870 64
	19,	" Registered Warrants.....	746 00

Amount carried forward, - - - \$407,385 84

HENRY BATES, *State Treasurer.*

CR.

Amount brought forward1. ....				\$190,877 66
Nov. 1,	By amount	received of	Treasurer of San Joaquin Co..	12,138 29
Nov. 12,	do	do	Plumas Co.....	3,082 05
Nov. 13,	do	do	Alameda Co.....	4,650 00
Nov. 27,	do	do	Mariposa Co.....	4,630 44
Dec. 4,	do	do	Los Angeles Co..	5,935 49
Dec. 8,	do	do	Sacramento Co...	8,986 60
Dec. 29,	do	California Land Commissioners..		53 12
1856.				
Jan. 2,	do	Treasurer of	Trinity Co.....	7,691 31
Jan. 5,	do	do	Sacramento Co...	15,900 75
Jan. 5,	do	do	Napa Co.....	4,131 49
Jan. 5,	do	do	Santa Clara Co...	2,691 47
Jan. 7,	do	do	Shasta Co.....	5,138 70
Jan. 7,	do	do	Merced Co.....	1,630 25
Jan. 7,	do	do	Sutter Co.....	3,110 05
Jan. 8,	do	do	Placer Co.....	8,003 75
Jan. 8,	do	do	Yuba Co.....	14,771 24
Jan. 9,	do	do	Marin Co.....	1,112 20
Jan. 9,	do	do	Santa Cruz Co...	1,614 12
Jan. 9,	do	do	Yolo Co.....	4,200 71
Jan. 9,	do	do	Solano Co.....	5,035 04
Jan. 9,	do	do	Calaveras Co....	4,061 30
Jan. 9,	do	do	Alameda Co.....	1,356 11
Jan. 10,	do	do	San Joaquin Co..	3,780 05
Jan. 10,	do	do	San Diego Co....	1,327 46
Jan. 10,	do	do	Monterey Co.....	3,032 22
Jan. 10,	do	do	Stanislaus Co....	1,770 24
Jan. 12,	do	do	Tuolumne Co....	9,797 78
Jan. 12,	do	do	San Bernardino Co	602 81
Jan. 17,	do	do	Sonoma Co.....	3,712 76
Jan. 19,	do	do	Nevada Co.....	13,672 17
Jan. 22,	do	do	Amador Co.....	5,652 56
Jan. 22,	do	do	Contra Costa Co..	3,332 29
Jan. 26,	do	do	Yolo Co.....	48 00
Jan. 26,	do	do	San Luis Obispo Co	880 13
Feb. 2,	do	do	Butte Co.....	13,785 28
Feb. 12,	do	do	Colusi Co.....	2,475 79
Feb. 15,	do	do	San Francisco Co.	55,224 23
Feb. 18,	do	do	Sacramento Co...	3,732 20
Feb. 29,	do	do	Tulare Co.....	723 21
Mar. 1,	do	do	Sierra Co.....	10,624 18
Mar. 26,	do	do	Siskiyou Co.....	4,133 36
April 4,	do	do	San Joaquin Co..	4,120 48
April 7,	do	do	Mariposa Co.....	10,123 07

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Amount carried forward..... \$ 463,352 41

Dr. GENERAL FUND *in Account with*

1856.		Amount brought forward.....	\$407,385 84
Mar. 19,	To Paid	Temporary State Loan, 3 per cent. bond No. 296.....	225 00
	"	Interest on same.....	326 70
26,	"	Registered Warrants.....	551 70
31,	"	State Library Fund.....	762 66
	"	Loss on 306 $\frac{1}{4}$ ozs. gold dust from Siskiyou Co..	400 00
April 4,	"	Registered Warrants.....	61 88
7,	"	Registered Warrants . . . . .	3,964 25
	"	Registered Warrants.....	15,829 79
	"	Transferred, temporarily, 10 pr. cent Interest Fund of 1855.....	16,501 65
19,	"	Registered Warrants.....	33,377 27
May 16,	"	Registered Warrants.....	551 75
June 5,	"	Treasurer of Sacramento County Warrants received for taxes.....	1,898 33
	"	Balance .....	3,202 02
			39,418 49
			<hr/>
			\$523,905 63

Dr. INTEREST FUND OF 1851 *in Account with*

1855.			
Oct. 30,	To Sum	Remitted to New York to pay interest due Jan- uary 1, 1856, and Ex.....	\$ 7,000 00
Oct. 30,	"	Transferred temporarily to interest fund of 1852 for deficiency of that fund to meet interest due January 1, 1856.....	14,707 69
1856.			
April 7,	"	Deposited with Palmer, Cook & Co. for interest due in New York, July 1 .....	7,210 00
July 1,	"	Balance .....	32,714 03
			<hr/>
			\$ 61,631 72



HENRY BATES, *State Treasurer.*

CR.

1856.

	Amount brought forward.....	\$463,352 41
April 18, By	Amount received of Treasurer of Santa Clara Co...	1,490 74
April 22,	do do Placer Co.....	4,244 66
April 22,	do do Calaveras Co.....	5,288 33
April 22,	do do Yuba Co.....	4,692 47
May 1,	do do Tuolumne Co....	9,449 82
May 10,	do do El Dorado Co....	18,440 46
May 10,	do Sureties of Cyrus E. Rowe....	1,900 00
May 10,	do District Attorney of Klamath Co	1,991 77
June 5,	do Treasurer of Sacramento Co....	11,939 40
June 10,	do do Los Angeles Co..	1,115 57
		<hr/>
		\$ 523,905 63

1856.

July 1, By balance in fund..... \$ 39,418 49

1856.

Dec. 24, Balance in fund..... \$ 73,933 29

HENRY BATES, *State Treasurer,*

CR.

July 1, By amount of Receipts (See Tabular Statement)..... \$ 61,631 72

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\$ 61,631 72

1856.

July 1, By balance in fund..... \$ 32,714 03

DR.

## INTEREST FUND of 1852, in Account with

1855.

July, 18,	To	Sum	Transferred to School Fund per order Controller	\$ 16,240 00
Oct. 30,	"		Remitted to New York to pay interest due January 1, 1856. . . . .	48,000 00
Dec. 4,	"		Returned in part amount borrowed Sinking Fund of 1851, and Ex. . . . .	4,379 71

1856.

Jan. 15,	"		Transferred to School Fund per order Controller	16,240 00
Feb. 2,	"		Returned balance borrowed from Interest Fund of 1851. . . . .	14,707 69
April 7,	"		Deposited with Palmer, Cook & Co. to pay interest due July 1. . . . .	49,440 00
June 30,	"		Transferred to School Fund per order Controller	16,240 00

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\$165,247 40

July 1,	"	Balance . . . . .	\$ 11,352 93
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DR.

## INTEREST FUND of 1855, in Account with

1855.

Oct. 30,	To	Sum	Deposited with Palmer, Cook & Co. to pay interest due in New York January 1, 1856, and Ex. . . . .	\$ 31,000 00
Dec. 14,	"		Returned in part to Sinking Fund of 1851 for amount borrowed. . . . .	3,500 00

1856.

Feb. 6,	"		Returned in part to Sinking Fund of 1851 for amount borrowed. . . . .	12,000 00
April 7,	"		Returned balance. . . . .	12,537 09
April 7,	"		Deposited with Palmer, Cook & Co. to pay interest due in New York July 1. . . . .	31,930 00
July 1,	"		Balance . . . . .	2,255 59

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\$ 93,222 68

HENRY BATES, *State Treasurer,*

CR.

1856.

July	1,	By amount of Receipts (See Tabular Statement).....	\$ 153,894 47
July	1,	By balance overdrawn.....	\$ 11,352 93

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\$ 165,247 40
HENRY BATES, *State Treasurer,*

CR.

1856.

July	1,	By amount of Receipts (See Tabular Statement).....	\$ 93,222 68
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\$ 93,222 68

July	1,	By balance brought down in fund.....	\$ 2,255 59
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Dr.		STATE PRISON INTEREST FUND <i>in Account with</i>	
1855.			
July 25,	To Paid twelve bonds \$500 each.....	\$	6,000 00
1856.			
July 1,	" Balance .....		8,035 28
			<hr/>
		\$	14,035 28

Dr.		HOSPITAL FUND <i>in Account with</i>	
1855.			
July 3,	To Paid Treasurer of Shasta Co.....	\$	766 37
July 11, "	" of San Francisco Co.....		983 60
July 13, "	" of Butte Co.....		725 58
July 16, "	" of Placer Co.....		723 23
July 17, "	" of Los Angeles Co.....		629 18
July 18, "	" of Santa Clara Co.....		620 49
July 28, "	" of Amador Co.....		208 99
July 30, "	" of Sacramento Co.....		851 37
Aug. 2, "	" of Tuolumne Co.....		414 66
Aug. 11, "	" of Sierra Co.....		425 82
Aug. 31, "	" of Sonoma Co.....		330 97
Oct. 5, "	" of El Dorado Co.....		3,700 62
Oct. 13, "	" of Placer Co.....		528 94
Nov. 1, "	" of San Joaquin Co.....		518 88
Nov. 12, "	" of Plumas Co.....		182 54
Nov. 13, "	" of Alameda Co.....		178 17
Nov. 16, "	" of Siskiyou Co.....		356 31
1856.			
Jan. 9, "	" of Marin Co.....		135 18
Jan. 11, "	" of San Diego Co.....		212 17
Jan. 12, "	" of San Bernardino Co. ....		25 00
Jan. 19, "	" of Nevada Co.....		1,128 23
Jan. 22, "	" of Contra Costa Co.....		635 08
Jan. 29, "	" of San Luis Obispo Co.....		40 61
March 1, "	" of Trinity Co.....		427 87
March 6, "	" of Yuba Co.....		1,081 93
March 6, "	" of Yolo Co.....		184 00
April 19, "	" of Mariposa Co.....		455 20
May 16, "	" of Stanislaus Co.....		36 43
July 1, "	Balance .....		3,934 10
			<hr/>
		\$	20,441 52



HENRY BATES, *State Treasurer,*

CR.

1856.

July	1, By amount of Receipts (See Tabular Statement).....	\$ 14,035 28
		<u>\$ 14,035 28</u>

1856.

July	1, By balance in fund.....	\$ 8,035 28
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HENRY BATES, *State Treasurer,*

CR.

1856.

July	1, By amount of Receipts (See Tabular Statement).....	\$ 20,441 52
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1856.

July	1, By balance in fund.....	\$ 3,934 10
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DR.                      INSANE ASYLUM FUND *in Account with*  
1856.

July	1, To Balance .....	\$	106 72
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Dr. STATE MARINE HOSPITAL FUND *in Account with*  
1855.

Nov. 30, To Controller's order.....	\$ 5,370 42
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HENRY BATES, *State Treasurer.*

Cr.

1856.

July	1,	By amount of Receipts (See Tabular Statement).....	\$	106 72
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1856.

July	1,	By balance in fund.....	\$	106 72
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HENRY BATES, *State Treasurer,*

Cr.

1855.

July	1,	By balance in fund.....	\$	5,370 42
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DR. SCHOOL FUND *in Account with*

1855.

July 3,	To Paid Treasurer of Shasta Co . . . . .	\$ 686 31
July 9,	" of Klamath Co. . . . .	49 57
July 11,	" of San Francisco Co. . . . .	4,856 90
July 11,	" of Contra Costa Co. . . . .	566 54
July 13,	" of Butte Co. . . . .	291 53
July 16,	" of Humboldt Co. . . . .	219 53
July 16,	" of Nevada Co. . . . .	655 06
July 17,	" of Santa Cruz Co. . . . .	500 44
July 17,	" of Yolo Co. . . . .	394 22
July 17,	" of Solano Co. . . . .	677 49
July 17,	" of Monterey Co. . . . .	740 04
July 17,	" of Napa Co. . . . .	411 92
July 17,	" of San Diego Co. . . . .	116 85
July 17,	" of Los Angeles Co. . . . .	1,405 72
July 18,	" of Yuba Co. . . . .	429 62
July 18,	" of Santa Clara Co. . . . .	1,908 52
July 23,	" of Amador Co. . . . .	509 88
July 24,	" of Alameda Co. . . . .	681 03
July 27,	" of Tuolumne Co. . . . .	577 16
July 28,	" of San Joaquin Co. . . . .	1,172 03
July 30,	" of San Bernardino Co. . . . .	474 47
Aug. 2,	" of Sacramento Co. . . . .	2,348 76
Aug. 11,	" of Siskiyou Co. . . . .	109 76
Aug. 11,	" of Sierra Co. . . . .	223 07
Aug. 17,	" of Trinity Co. . . . .	49 37
Aug. 31,	" of Sonoma Co. . . . .	1,205 08
Aug. 31,	Sarah Staples per Special Act. . . . .	400 00
Sept. 4,	Treasurer of Mariposa Co. . . . .	142 81
Oct. 4,	" of Sutter Co. . . . .	92 06
Oct. 5,	" of Stanislaus Co. . . . .	95 60
Oct. 5,	" of El Dorado Co. . . . .	1,410 45
Oct. 13,	" of Placer Co. . . . .	354 09

1856.

Jan. 1,	" of San Francisco Co. . . . .	5,928 00
Jan. 5,	" of Sacramento Co. . . . .	2,148 00
Jan. 5,	" of Napa Co. . . . .	572 40
Jan. 5,	" of Santa Clara Co. . . . .	1,933 20
Jan. 7,	" of Shasta Co. . . . .	396 58
Jan. 7,	" of Sutter Co. . . . .	222 00
Jan. 7,	" of Placer Co. . . . .	193 20
Jan. 8,	" of Yuba Co. . . . .	597 60
Jan. 9,	" of Marin Co. . . . .	336 13
Jan. 9,	" of Solano Co. . . . .	769 20
Jan. 9,	" of Yolo Co. . . . .	524 40

Amount brought forward . . . . . \$ 37,376 76



HENRY BATES, *State Treasurer.*

CR.

1856

July 1, By amount of Receipts (See Tabular Statement) . . . . . \$ 95,416 25

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Amount carried forward . . . . . \$95,416 25

SCHOOL FUND *in Account with*

1856.

Amount carried forward.....			\$ 37,376 76
Jan. 9, "	"	of Alameda Co.....	808 80
Jan. 9, "	"	of Calaveras Co.....	632 40
Jan. 11, "	"	of Santa Cruz Co.....	382 80
Jan. 11, "	"	of San Joaquin Co.....	1,330 80
Jan. 11, "	"	of Monterey Co.....	1,191 60
Jan. 11, "	"	of Tuolumne Co.....	970 80
Jan. 17, "	"	of San Bernardino Co.....	482 40
Jan. 17, "	"	of Sonoma Co.....	1,489 20
Jan. 18, "	"	of Nevada Co.....	912 00
Jan. 22, "	"	of Amador Co.....	1,038 00
Jan. 22, "	"	of Contra Costa Co.....	432 00
Jan. 29, "	"	of Los Angeles Co.....	1,826 40
Jan. 29, "	"	of San Luis Obispo Co.....	776 09
Feb. 2, "	"	of Butte Co.....	330 00
Feb. 12, "	"	of Colusi Co.....	34 80
Feb. 29, "	"	of Tulare Co.....	184 56
Mar. 1, "	"	of Sierra Co.....	147 60
Mar. 22, "	"	of Siskiyou Co.....	188 40
April 19, "	"	of Mariposa Co.....	280 80
May 10, "	"	of El Dorado Co.....	1,455 60
July 1, "		Balance.....	43,144 41
			<hr/>
			\$ 95,416 25
			<hr/>

HENRY BATES, *State Treasurer,*

Cr.

1856.

Amount brought forward ..... \$ 95,416 25

1856

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\$95,416 25

July 1, By balance in fund..... \$ 43,144 41

DR.		SINKING FUND OF 1851 <i>in Account with</i>	
1855.			
Aug. 17,	To Paid	Coupons on bonds of 1851.....	\$ 52 50
Sept. 11,	"	Redeemed nine bonds of 1851 and interest....	4,563 87
Oct. 4,	"	Coupons on three bonds of \$500 each...	52 50
Oct. 30,	"	Loaned temporarily to Interest Fund of 1852.....	\$4,379 71—
Oct. 30,	"	Loaned temporarily to Interest Fund of 1855.....	28,037 09— 32,416 80
Dec. 4,	"	Redeemed bond of 1851.....	500 00
Dec. 4,	"	Amount paid by late Treasurer for Exchange on amount remitted by Palmer, Cook & Co. to redeem bonds and pay interest in New York \$509,008 at 3 per cent.....	15,270 26
1856.			
Jan. 11,	"	Redeemed bonds of 1851.....	1,500 00
March 1,	"	Redeemed bonds of 1851.....	1,000 00
April 7,	"	Loaned temporarily to Interest Fund of 1852 for deficiency to meet interest.....	24,760 39
May 6,	"	Redeemed bonds and interest of 1851.....	3,075 63
July 1,	"	Balance .....	9,725 54
			<hr/>
			\$ 92,917 49

Dr.		STATE PROPERTY FUND <i>in Account with</i>	
1856.			
July 1,	To balance carried forward.....	\$	26 81

Dr.		ESTATES OF DECEASED PERSONS <i>in Account with</i>	
1856.			
July	1, To balance carried down.....	\$	89 09
			<hr/>
			\$ 39 09



HENRY BATES, *State Treasurer,*

CR.

1856.

July 1, By amount of Receipts (See Tabular Statement)..... \$ 92,917 49

			<u>\$ 92,917 49</u>
1856.			
July 1,	By balance in fund.....		\$ 9,725 54

HENRY BATES, *State Treasurer,*

CR.

1855.

July 1, By balance in fund..... \$ 26 81

\$ 26 81

1856.

July 1, By balance brought down in full..... \$ 26 81

HENRY BATES, *State Treasurer,*

CR.

1855.

July 1, By balance..... \$ 89 09

\$ 89 09

1856.

July 1, By balance in fund..... \$ 89 09

DR. WAR FUND *in Account with*

1855.

Nov. 30, To transfer to Military Fund..... \$ 11 67

DR. LIBRARY FUND *in Account with*

1855.

Aug. 2, To Controller's Warrant favor W. H. R. Wood..... \$ 72 50  
 Sept. 3, do do Lecount & Strong..... 67 00

1856.

July 1, To balance..... 4,354 33  
\$ 4,403 83

GOVERNOR'S CONTINGENT FUND *in Account with*

56.

April 7, To Controller's order favor J. Neely Johnson..... \$ 418 67

HENRY BATES, *State Treasurer,*

CR.

1855.

July	1.	By balance in fund.....	\$	11 67
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HENRY BATES, *State Treasurer,*

CR.

1856.

July	1,	By amount of Receipts (See Tabular Statement).....	\$	4,493 83
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			\$	4,493 83
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1856.

July	1,	By balance brought down in fund.....	\$	4,354 33
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HENRY BATES, *State Treasurer,*

CR.

1855.

July	1,	By balance.....	\$	418 67
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DR.

MILITARY FUND *in Account with*

1856.

Feb.	29,	To	paid on order of President of Military Board.....	\$	70 50
May	16,	do	do do .....		288,00
May	16,	do	do do .....		50 00
May	16,	do	do do .....		22 00
July	1,	To	balance.....		192 64
					<hr/>
					\$ 623 14



HENRY BATES, *State Treasurer,*

CR.

1856.

July	1, By amount of Receipts (See Tabular Statement).....	\$	623	14
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\$	623	14
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1856.

July	1, By balance in fund.....	\$	192	64
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## TRIAL BALANCE.

1856.

July	1, Balance of Cash.....	\$ 132,644 10
	Interest Fund of 1852 overdrawn.....	11,352 93

---

 \$ 143,997 03

## TRIAL BALANCE.

1856.

July	1.	Balance in General Fund.....	\$	39,418	49
		do Interest Fund of 1851.....		32,714	03
		do Interest Fund of 1855.....		2,255	59
		do State Prison Interest Fund.....		8,035	28
		do Hospital Fund.....		3,934	10
		do Insane Asylum Fund.....		106	72
		do School Fund.....		43,144	41
		do Sinking Fund of 1851.....		9,725	54
		do State Property Fund.....		26	81
		do Estates of deceased persons.....		89	09
		do Library Fund.....		4,354	33
		do Military Fund.....		192	64
				<hr/>	
				\$	143,997 03

## ABSTRACT

*Of Receipts into, and Expenditures out of the State Treasury, from July 1st to December 24, 1856.*

1856.

July 1, Balance in Treasury..	\$132,644	10
Receipts in July.....	167,118	54
do August...	19,198	15
do Sept.....	16,911	43
do Oct.....	52,569	90
do Nov.....	156,205	79
do Dec.....	48,021	92

Of above Receipts \$115,641 07  
were received in Controller's  
Warrants, and \$344,384 66  
in money.

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\$592,669 83

Expended in July...	\$ 69,185	91
do Aug...	19,057	98
do Sept...	5,198	30
do Oct....	8,974	68
do Nov...	264,062	89
do Dec ...	22,996	24

Of the foregoing Ex-  
penditures, \$115,-  
641 07 were for  
Controller's War-  
rants redeemed.

Balance in money  
carried down....\$203,193 83

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\$592,669 83

1856.

Dec. 24, Balance in Treasury..\$203,193 83



## FOREIGN MINERS' LICENSES

*During the year 1856.*

<i>Counties.</i>		<i>No.</i>	<i>Counties.</i>		<i>No.</i>
El Dorado,	at \$4	18,300	El Dorado,	at \$6	7,000
Placer,	"	11,500	Placer,	"	3,000
Nevada,	"	8,000	Nevada,	"	2,000
Tuolumne,	"	6,000	Tuolumne,	"	4,000
Klamath,	"	1,000	Klamath,	"	2,000
Trinity,	"	3,500	Trinity,	"	1,000
Sacramento,	"	1,000	Sacramento,	"	....
Siskiyou,	"	1,000	Siskiyou,	"	....
Butte,	"	7,500	Butte,	"	2,500
Calaveras,	"	8,500	Calaveras,	"	4,000
Shasta,	"	2,500	Shasta,	"	1,000
Mariposa,	"	3,500	Mariposa,	"	4,000
Sierra,	"	1,000	Sierra,	"	2,000
Yuba,	"	4,500	Yuba,	"	2,000
Plumas,	"	3,750	Plumas,	"	1,000
Amador,	"	1,850	Amador,	"	2,000
Stanislaus,	"	250	Stanislaus,	"	150
San Joaquin,	"	350	San Joaquin,	"	150
Tulare,	"	500	Tulare,	"	....
Merced,	"	500	Merced,	"	500
Fresno,	"	2,000	Fresno,	"	....
		<hr/>			<hr/>
		86,500			38,300

# THE HISTORY OF THE

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IN ASSEMBLY.]

[EIGHTH SESSION.]

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REPORT  
OF THE  
CONTROLLER OF STATE.  
JANUARY, 1857.

[JAMES ALLEN, STATE PRINTER.]

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THE

STATE OF NEW YORK

IN SENATE



# REPORT.

STATE CONTROLLER'S OFFICE, }  
Sacramento, December 20th, 1856. }

To His Excellency,

J. NEELY JOHNSON,

Governor of California:

SIR:—The third section, chapter first, of "An Act, concerning the Office of Controller of State, passed January 19th, 1850," requires, that the Controller shall report such plans, as he may deem expedient, for the support of the public credit, for the promoting of frugality and economy in the public expenses, and generally, for the better management and more perfect understanding of the fiscal affairs of the State.

The requirements of the above statute have, at least, in part, been complied with, by my predecessors, as will appear by reference to the two annual reports of Dr. Winslow F. Pierce, and the first annual report of the Hon. Sam. Bell, most of which appears, either to have escaped the notice of the Legislature, or to have failed in eliciting that attention, which their importance certainly deserved.

The history of California, brief as it is, has been an eventful one. Her almost fabulous mineral wealth, has scarcely less attracted the attention of the civilized world, than has her social eccentricities and financial blunders. The evils that affect the financial prosperity of our State, lie so deeply imbedded in, and are so inseparably connected with her organic law, that it can scarcely be hoped, that any permanent or adequate remedy can be applied, without a radical change of our system of government.

The idea appears to have prevailed, not only in the Convention that framed the Constitution, but with succeeding Legislatures, that the sources of wealth to the State were commensurate with the extraordinary rewards that have resulted to individual enterprise. From this seeming idea, a system of government has been instituted, the ordinary cost of which, even when frugally administered, must, for

many years to come, greatly exceed a revenue, the collection of which, would be at all tolerable to our people, and has likewise stimulated a plan of extravagant and reckless expenditure, the consequence of which, has been to involve the State in a large debt, and seriously to impair her credit.

That the above-named legislative anticipations have failed, is too evident to require confirmation, and were arguments wanting to prove the fact, of our inability to liquidate our yearly indebtedness, from our taxable property, and other resources, I would refer you, to the fact, that the "County Assessors' Abstracts of Real and Personal Property," show an increase in the amount of taxable property, but a decrease in the aggregate value. The large number of passengers who semi-monthly leave our shores, and the immense amounts of treasure shipped by every steamer, are other evidences of the fact, that the framers of our Constitution, and the Legislatures which have since convened, were mistaken, regarding the governmental resources of California.

It will appear, by reference to my accompanying Report, that our State Debt has been regularly accumulating, ever since California has had an organized existence. The favorite remedy for this growing evil, and to promote a return to a "cash basis," for our financial concerns, has been the passage of "Funding Acts," and that too, without providing for either a reduction of expenditures, or an increase of revenue.

The Funded Debt of the State, exclusive of the Indian War Debt, amounted on the 20th day of December, 1856, to \$3,239,488 95, upon which we pay an annual interest of \$226,764 23.

On the gross amount of this debt, it is estimated that the State has never realized over seventy cents on the dollar, so that we in reality, pay an annual interest of \$68,029 27 on a debt, the creation of which, has been of no benefit whatever to the State, and has established a principle, the extension of which, would be ruinous to an individual, and must certainly be humiliating to a sovereign State. But, these are not the only evils, resulting from the Funding system.

The Bonds, issued by the State of California, are principally held by non-residents, and the sum that is annually paid by us as interest on our Funded Debt, like the treasure shipped, as before alluded to, leaves our State never to return.

Great Britain must long since have sunk under the accumulated weight of her national debt, had it not have been for the fact, that she owed it to her own subjects, and that the vast sums which she annually pays as interest, returns to, and reimburses the very sources from whence it is drawn.

It must now be evident to all, who have devoted a thought to the subject, that the necessary expenses of the government are disproportioned to its sources of revenue. The Expenditures for the Fiscal Year, ending the 30th of June, 1856, amounted to \$1,368,684 81; whilst the Receipts only amounted to \$723,289 83, showing an excess of Expenditures over Receipts of \$645,394 98.

I have before me, the report of the Auditor of the State of Ohio, for the year 1855, from which it appears, that the total expenditure, for the ordinary expenses of the State Government, for that year, only amounted to \$378,380 71.

The foregoing facts, clearly demonstrate that there exists a defect in our system of government, requiring more than a mere temporary remedy.

It is believed, that the Office of Superintendent of Public Instruction might be dispensed with, without detriment to the efficiency of our system of common schools. It is not to be expected, that, that functionary can, (without greatly increased expense,) by his personal attendance, infuse any great interest into the cause. Whatever of stimulus it can receive from extraneous sources, must of necessity, proceed from the various County Superintendents, or some other local causes. The principal, if not the entire advantage, that the cause of education, at present derives, from the services of the State Superintendent, is, in his man-

agement of its finances a duty, which can, with equal efficiency be performed by the Secretary of the State, without any additional expense to that Department.

The Office of Quartermaster-General should be abolished, and the law imposing a Military Tax, should be repealed. The military, like the poll-tax, is not properly collected, and the receipts into the funds, from the above sources, exceeds but little, if any, the expense of furnishing the necessary blanks, the paper for, and printing of poll-taxes being now paid out of the General Fund, and the military blanks out of the military fund. Other reasons in favor of the above suggestion, might be offered, but it is deemed unnecessary.

It is further respectfully suggested, that such measures as are necessary, be taken without delay, to locate and survey the lands of the State, and cause maps and plats of the same, to be deposited in the office of the Secretary of State; after which, abolish the office of Surveyor-General.

Of all the Departments of the Government as at present organized, the Legislature is perhaps the most unnecessarily expensive. Its sessions, should, by a Constitutional provision, be limited to sixty days. The Legislature of the State of Vermont, has recently adjourned after a session of only six weeks. After the Principal Clerk, and his Assistant, and the Enrolling and Engrossing Clerk, for each branch of the Legislature, shall have been appointed, all other clerical labor required, should be paid by the folio, and to avoid as much as possible, all needless expense in the way of Printing, it is suggested, that there be a Joint Committee, whose duty it shall be to determine, not only the matter, but the number of copies to be printed, of any document that may be required for the use of one or both Houses.

The item of Printing for the Fiscal Year, ending the 30th of June, 1855, and the succeeding seven months, ending on 31st day of January, 1856, embracing in all, a period of nineteen months, including official advertisements, and paper for printing; cost the sum of \$240,469 75. A good job printing establishment could be procured, at a cost not exceeding twenty thousand dollars. Would it not be good policy for the State to procure one? Then make the State Printer, (who should be a practical printer,) Superintendent thereof, interdict by penal enactments, the printing or publishing of any matter not authorized by proper authority, and after the salary of the superintendent, all work to be paid for by the piece, at the usual rates. It is believed, by those competent to judge, that, by the adoption of the plan herein proposed, the public printing could be better, and more expeditiously executed than at present, at an annual cost not exceeding fifty thousand dollars.

The salaries of the County Judges, and the incidental expenses of the Courts of Sessions, and the County Courts, all of which operate as a tax upon the people, amounts in the aggregate to not less than \$175,000. It is proposed to abolish the Office of County Judge, and to create a Superior Court, in all of the large and populous counties of the State, said Courts to have exclusive jurisdiction in the counties where they exist, of all matters of Probate, and concurrent jurisdiction with the District Court, in all civil business, where the amount in controversy shall exceed the sum of \$—— dollars. The Judge to possess legal qualifications, to be his own clerk, deriving his salary from fees of Court, and convening his Court, on its own adjournments. The Juries when required, to be summoned and paid, as now, in Justices' Courts. This, it is believed, with such modifications of the law, regulating the jurisdiction of the District Courts, so as to give them exclusive jurisdiction of all criminal proceedings, where the offense charged shall amount to a felony, and of matters of Probate, in those counties where there shall be no Superior Court, will afford equal, if not superior facilities for the administration of justice, than now exists under the present system, as well as be a saving to the tax payers of the sum aforementioned.

The enactment of an equitable and efficient revenue law, is perhaps, the most



difficult task of Legislation, and perfection can only be approximated, by a careful noting from time to time, such defects, as its practical workings may develop, and a prompt application of the necessary corrective. That the expenses should be equitably borne, by all, who share the blessings of Government, is admitted, and should be the primary object in the framing of all laws, imposing the burthens of taxation. This is not obtained under our present revenue law, and it will only be necessary to allude, to some of its most material defects, to show the necessity of a thorough revision of its provisions. The returns of the late general election, show that there are about one hundred and ten thousand voters in this State, and it is estimated, that there are an equal, if not a greater number, subject to the payment of a poll tax, which at three dollars, (the present rate,) deducting 15 per cent. for cost of collection, and the 40 per cent payable to the different County Treasurers, should yield to the State, an annual income of \$168,300—whereas, there was received into the State Treasury, from the above source, during the last Fiscal Year, but the sum of \$63,533 92. The principal cause to which this large delinquency is attributable, is, that a greater portion of our population, from the nature of their pursuits, have no visible property, out of which the Assessor can enforce payment. From the necessity, as well as equity of the case, would it be too great a restriction on the elective franchise, to require, as an additional qualification for its exercise at all general elections, the payment of a poll tax for the year?

An income tax also, of so small a per centage as to bear but lightly on the individual, could be assessed, that in the aggregate, would produce a large sum to the Treasury. By means of such a tax, a numerous class of citizens, consisting of Public Officers, both State and County, and those practising the learned professions, would be required to contribute their just share towards the support of the Government.

Section 19th, of "An Act to provide Revenue for the Support of the Government of this State," passed May 15th, 1854, provides, "That upon all goods, wares, and merchandise, and every other species of personal property, which shall at any time be exposed to sale at public auction, or be sold by Auctioneers at private sale, the Auctioneer shall be subject, each and every time they shall be struck off, to the payment of a duty to the State, of one-half of one per centum upon the amount thereof, whether actually sold or not, and upon the sale of any real estate by an Auctioneer at public or private sale, the Auctioneer shall be subject to the payment of a duty of one-half of one per centum upon the amount of the sale," &c. The foregoing section was, by an Act, approved April 9th, 1856, repealed.

The law of 1854 should be re-enacted, imposing an increased duty, accompanied by such provisions as the Legislature may deem proper, and, with such other provisions as to ensure its observance. In the State of Mississippi, a duty of one and one-fourth per centum is imposed upon all sales by Auctioneers.

Section 3d of the same law provides that the proceeds of the ninth and tenth classes of certain licenses therein mentioned, shall go into the different county treasuries for the use of the county. It has so happened that there are scarcely any other classes used, and it necessarily follows that the State receives no benefit therefrom.

It is recommended that a certain portion of the proceeds arising from the sale of all the various licenses required by law to be taken out, be reserved by the various counties, and the remainder be paid into the State Treasury, and that a certain per centage to be paid rateably by the State and county, be allowed the County Treasurers for the collection of the same. By order of the Board of Supervisors, many of the County Treasurers now receive a per centage for such collections, which is paid out of the County Treasury.



Owing to the uncertainty which exists in this State, in respect to land titles, but little revenue comparatively is derived from that source.

Section 1st of "An Act for the Protection of Actual Settlers, and to quiet land titles in this State, approved March 26th, 1856," declares all lands in this State shall be deemed and regarded as public lands, until the legal title is shown to have passed from the government to private parties.

Section 10th of the same Act declares that the provisions of the 1st section "shall extend to all litigation for lands, or for the possession of lands claimed under, or by virtue of any Spanish or Mexican grant, or any grant made by the Governors of California, unless the said grants shall have been surveyed, and the boundaries plainly and distinctly marked out, and kept so plainly and distinctly marked that said boundaries could, at any time, when improvements were being made on said lands be easily seen and certainly known; and unless said grant, and the plat and the field notes of the survey of the same shall have been recorded in the office of the Recorder of the county in which the lands lie, before such improvements shall have been made."

It is believed that the provisions of the foregoing Act not only releases nearly all the lands in the State from taxation, but actually operates as a reward to parties interested, by permitting them to remain so, by refusing or neglecting to have them surveyed and recorded. A law should be enacted, making all lands subject to taxation, claimed by a title adverse to government, where the same shall have been confirmed by the proper tribunal, whether the patent shall have issued or not, and making the parties so claiming, or in possession, liable for the payment of the same, the payment by one to be a release as to others, for the same land.

It will be perceived that the foregoing suggestions extend to almost every department of the government having connection with its financial affairs. They are made, not without great diffidence, as to their wisdom or propriety. Many of them involve the amending or revision of the fundamental law, and it is submitted, whether a law, providing for calling a Constitutional Convention, in connection with one to legalize the present State debt, submitted to the people, would not be as the bow of promise, that they should be spared such another inundation of debt, and cause them to do with pleasure that which in the latter case is their solemn duty.

I have the honor to be, very respectfully,

Your obedient servant,

GEORGE W. WHITMAN,

Controller of State.



# INDEX.

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The various items are set forth under the following heads :

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D.

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## Statement of Receipts into the State Treasury, during the Seventh Fiscal Year—ending June 30, 1856.

County.	Poll Tax of 1855.	Poll Tax of 1856.	Property Tax of 1855.	Property Tax of 1856.	Foreign Monies, &c.	Merchants' Licenses.	Drunkards' License.	Gaming License.	Poll Tax of 1855.	Liquor License.	Auction License.	Auction Duty.	Possessory Claim.	Commutation Tax.	Fees and Commissions from Secretary of State.	Circus License.	Fines from Violation of Revenue Laws.	Bills and Endorsed by Jacobus.	Insurance Companies.	Military Tax.	Brokers' License.	Theater License.	Stamp and Overland of Lands.	Consigned Goods.	State Property, sold by Board of California Land Commrs.	Sealers' License.	Dealers of Drunken Monies.	Judgments.	Totals.		
Alameda Co.	222	810 47	2,140 04	9,000 00					485 00									373 45		97 00									23,138 94		
Alameda Co.	1674 34	1,590 51		2,910 79	10,000 40	72 75	257 05		349 20									506 82								4 85	263 17			23,905 61	
Butte Co.		56 43 41	347 07	3,456 73	10,619 30				111 53									24 25					124 16							16,574 66	
Calaveras Co.		56 04		2,582 26	6,624 32		270 05		76 82		145 50		14 55					347 85				58 20								4,152 17	
Colusa Co.	43 59	605 28	1,763 91	3,953 25					145 50		20 82	10 25						14 55					226 64							6,047 22	
Contra Costa Co.	102 53	410 43	1,265 20	5,399 05					145 50		20 82	10 25						94 51				9 70	76 78			58 80				7,673 63	
El Dorado Co.	5,661 40	12,317 26	3,108 31	2,255 93	42,511 19			512 89	2,022 45		35 26	37 14					101 87	1,547 15			14 55	344 35								70,520 13	
Humboldt Co.	31 14		1,964 45															29 10												1,121 69	
Klamath Co.																														1,891 77	
Los Angeles Co.	181 61	544 95	1,596 73	11,280 63					681 00		117 30	18 70						873 22				74 10				43 65				11,936 60	
Madera Co.		1,269 16	2,824 37	1,311 72	20,045 24	89 45	29 10		203 70					33 95				459 54				63 05								2,152 59	
Mariposa Co.		248 95		2,206 91	43 96				174 60																					26,322 24	
Merced Co.		332 10	377 69	4,880 30					29 10		29 10							225 53							41 81					2,771 65	
Monterey Co.	38 12	471 28	635 50	6,947 40					223 10		3 45							94 58								4 85				4,014 70	
Nevada Co.	418 42	2,278 10	5,618 72	3,945 19	16,049 17				582 00		87 30							220 10				160 05								8,828 58	
Piace Co.		2,001 47		8,106 38	16,075 68		160 05		1,125 20		176 68	32 48						761 45				218 25	174 60							29,011 31	
Pinnacles Co.		527 80	570 53	960 07	2,306 05				29 10									128 52												28,913 81	
Plumas Co.		1,385 82		22,071 24	3,695 29	3,197 04	2,692 66		2,764 50		101 85	1,212 50	216 64					1,937 89			154 96	200 00	722 65	7,719 64				1,000 00		60,128 67	
Sacramento Co.	2,061 99	293 12	552 27	2,099 04					740 75																					1,934 17	
San Bernardino Co.		268 88		86,754 84	2,691 75	1,542 30			627 20		1,717 70							145 50												3,204 91	
San Diego Co.		1,197 80	18,805 77	19,417 23	246 90	1,040 32	87 30		727 50									390 43		97 00		29 10		15,383 10		9 70				130,846 71	
San Francisco Co.		44 65		1,582 34														400 12												39,321 65	
San Joaquin Co.	1,171 67			24,868 85		43 65			2,581 54									29 10					24 23	7,026 12						1,656 70	
San Luis Obispo Co.		256 61	1,070 77	2,788 04														70 82												29,543 17	
Santa Clara Co.	25 95	216 07	343 40	6,637 39	3,481 22	312 82	247 35		77 60			4 20						1,135 29												4,116 25	
Santa Cruz Co.	32 60	2,258 13	70 77	6,515 55	8,548 37		189 15	305 55	271 60									70 82												11,729 42	
Sierra Co.	145 67	2,915 50		4,351 35	134 84	43 65	203 70		174 00		252 20	160 21	21 83					1,135 29												19,500 27	
Siskiyou Co.		742 11	6,673 50	6,767 75		213 40			58 21			2 96						130 95												12,099 86	
Solano Co.	20 95	1,392 18	2,263 58	4,850 62					232 80									210 98													9,685 47
Sonoma Co.	789 42			1,477 50	111 51													4 85													16,224 17
Stanislaus Co.	65 18	429 52	863 11	4,922 66																											3,313 63
Butter Co.		472 81		2,251 84	9,254 16		43 65																								3,671 27
Trinity Co.		369 08		501 93	13 44				9 70													29 10	19 20								6,487 09
Tulare Co.		3,906 40	1,114 60	11,315 47	15,501 81	29 10	527 65		2,776 14			135 90						210 98				4 85	159 08								12,099 86
Tuolumne Co.		796 37	2,982 47	5,487 43					278 30																						1,058 07
Yolo Co.	230 28	3,073 39		21,608 68	14,376 37	798 31	315 25		2,376 50			220 75						537 07													35,751 70
Yuba Co.																															10,595 24
Commissioner of Immigrants.																															43,107 72
Secretary of State.																															609 95
Board Cal. Land Commrs.																															2,842 60
Totals	\$11,699 40	\$51,841 52	\$56,121 46	\$318,650 05	\$185,759 35	\$7,525 24	\$6,608 94	\$1,065 79	\$19,300 56	\$54 05	\$4,157 95	\$2,955 49	\$135 83	\$602 95	\$2,842 00	\$179 45	\$237 17	\$10,940 72	\$97 00	\$664 33	\$948 25	\$1,600 30	\$18,235 32	\$15,425 00	\$53 12	\$140 65	\$203 17	\$5,891 77	\$729,289 88		





[B.]

## EXPENDITURES

*During the Seventh Fiscal Year ending June 30th, 1856.*

## EXECUTIVE DEPARTMENT.

## SALARIES.

Salary of Governor	-	-	-	\$ 10,833 33
" Controller of State	-	-	-	4,875 00
" Treasurer of State,	-	-	-	4,875 00
" Secretary of State,	-	-	-	3,752 65
" Attorney General	-	-	-	2,166 63
" Surveyor General,	-	-	-	2,166 65
" Quarter-Master General,	-	-	-	3,250 00
" Superintendent of Public Instruction				5,250 50
<hr/>				
Total	-	-	-	\$ 37,160 26

## SECRETARIES AND CLERKS.

Salary of Governor's Private Secretary	-	\$ 2,926 79
" Clerks in Controller's Office	-	11,880 00
" Clerks in Treasurer's Office	-	7,020 00
" Clerks in Secretary of State's Office	-	10,665 00
<hr/>		
Total	-	\$ 32,491 79

## CONTINGENT EXPENSES.

Governor's Contingent Fund	-	\$ 2,869 35
" Special "	-	4,978 82
Contingents of Controller's Office	-	8,992 14
" Treasurer's Office	-	6,019 17
" Secretary of State's Office	-	4,458 19
" Quarter-Master General's Office	-	2,714 81
" Attorney General's Office	-	958 50
" Surveyor General's Office	-	7,484 77
" Sup. Pub. Instruction's Office	-	3,142 14
" State Library	-	2,785 93
" Board of Examiners	-	15 00
<hr/>		
Total	-	\$ 44,418 82
<hr/>		
Amount carried forward,	-	\$114,079 87

Amount brought forward, - - \$114,079 87

## JUDICIAL DEPARTMENT.

### SALARIES.

Salaries of Justices of Supreme Court	-	-	\$ 27,833 23
" District Judges	-	-	61,665 27
" Secretary to Supreme Court	-	-	2,100 00
Total	-	-	\$ 91,598 50

### CONTINGENTS.

Contingents of the Supreme Court	-	-	\$ 13,516 51
Total	-	-	\$ 13,516 51

## LEGISLATIVE DEPARTMENT.

Pay and Mileage of Lieutenant Governor and Senators	-	-	\$ 48,203 00
Pay and Mileage of Assemblymen	-	-	113,063 40
Total	-	-	\$161,266 40

### OFFICERS AND CLERKS.

Of the Senate	-	-	\$ 34,964 00
Of the Assembly	-	-	33,611 00
Total	-	-	\$ 68,575 00

### CONTINGENTS.

Of the Senate, (Contingent Fund)	-	-	\$ 15,664 30
Of the Assembly, (Contingent Fund)	-	-	17,987 50
Of the Legislature	-	-	29,919 09
Total	-	-	\$ 63,570 89
Amount carried forward,	-	-	\$512,607 17

Amount brought forward - - - \$512,607 17

### EXPENDED FOR HOSPITAL PURPOSES.

State Marine Hospital,	-	-	-	\$ 39,806 32
Insane Asylum,	-	-	-	63,553 66
" " Buildings,	-	-	-	15,000 00
Salary of Physicians of Insane Asylum	-	-	-	6,000 00
Indigent Sick of Alameda County,	-	-	-	178 17
" " Amador "	-	-	-	208 99
" " Butte "	-	-	-	725 58
" " Calaveras "	-	-	-	1,019 46
" " Contra Costa County	-	-	-	635 08
" " El Dorado "	-	-	-	3,700 62
" " Los Angeles "	-	-	-	629 18
" " Marin "	-	-	-	135 18
" " Mariposa "	-	-	-	455 20
" " Nevada "	-	-	-	1,128 23
" " Placer "	-	-	-	528 94
" " Plumas "	-	-	-	182 54
" " Sacramento "	-	-	-	851 37
" " San Bernardino "	-	-	-	25 00
" " San Diego "	-	-	-	212 17
" " San Francisco "	-	-	-	983 60
" " San Joaquin "	-	-	-	518 88
" " San Luis Obispo County	-	-	-	40 61
" " Santa Clara "	-	-	-	620 49
" " Shasta "	-	-	-	766 37
" " Sierra "	-	-	-	425 82
" " Siskiyou "	-	-	-	356 31
" " Sonoma "	-	-	-	330 97
" " Stanislaus "	-	-	-	36 43
" " Trinity "	-	-	-	427 87
" " Tuolumne "	-	-	-	414 66
" " Yolo "	-	-	-	184 00
" " Yuba "	-	-	-	1,081 93
<hr/>				
Total	-	-	-	\$141,163 63

### EXPENDED FOR SCHOOL PURPOSES.

Support of Schools of Alameda County,	-	-	\$ 1,489 83
" " Amador County,	-	-	1,547 88
" " Butte County,	-	-	621 53
" " Calaveras County,	-	-	1,015 98
" " Colusa County	-	-	34 80
" " Contra Costa County,	-	-	998 54
" " El Dorado County,	-	-	2,866 05
" " Humboldt County,	-	-	219 53
<hr/>			
Total,	-	-	\$ 8,794 14
Amount carried forward,	.	.	\$653,770 80

	Amount brought forward	- \$ 8,794 14	\$653,770 80
Support of Schools of	Klamath County, -	49 57	
"	Los Angeles County -	3,232 12	
"	Marin County, -	336 13	
"	Mariposa County, -	423 61	
"	Monterey County, -	1,931 64	
"	Napa County, -	984 32	
"	Nevada County, -	1,567 06	
"	Placer County, -	547 29	
"	Sacramento County, -	4,496 76	
"	San Bernardino County, -	956 87	
"	San Diego County, -	116 85	
"	San Francisco County, -	10,784 90	
"	San Joaquin County, -	2,502 83	
"	San Luis Obispo County, -	776 09	
"	Santa Clara County, -	3,841 72	
"	Santa Cruz County, -	883 24	
"	Shasta County, -	1,082 89	
"	Sierra County, -	370 67	
"	Siskiyou County, -	298 16	
"	Solano County, -	1,446 69	
"	Sonoma County, -	2,694 28	
"	Stanislaus County, -	95 60	
"	Sutter County, -	314 06	
"	Trinity County -	49 57	
"	Tulare County, -	184 56	
"	Tuolumne County, -	1,547 96	
"	Yolo County, -	918 62	
"	Yuba County, -	1,027 22	
Total	- - - - -	- - - - -	\$52,255 42

### EXPENDED FOR STATE PRISON PURPOSES.

Salaries of State Prison Inspectors	-	\$ 100 00	
Salaries of State Prison Directors	-	10,074 93	
Labor and Material furnished State Prison	-	172,906 56	
Purchase of Property for State Prison	-	47,477 70	
Attaches of State Prison	-	52,254 15	
Temporary Support of State Prison	-	15,000 00	
Supplies and Materials furnished State Prison	-	32,000 00	
Lessee of State Prison	-	40,000 00	
Lieutenant Governor as Member of Board of			
State Prison Commissioners	-	260 80	
Expenses of Board of S. P. Commissioners	-	100 00	
Total	- - - - -	- - - - -	\$ 370,174 14
Amount carried forward	- - -	-	\$1,076,200 36



Amount brought forward - - \$1,076,200 36

### EXPENDED FOR PRINTING.

State Printing	-	-	-	\$117,458 76
Paper for Printing	-	-	-	12,379 19
Printing and Miscellaneous Advertisements	-	-	-	1,775 75
Publishing proposed Amendments to the Constitution	-	-	-	19,515 09
Publishing Notices of Sales by State Land Commissioners	-	-	-	14,434 00
Publishing Notices concerning immigrant Wagon Road, Swamp and Overflowed Lands, &c.	-	-	-	6,215 46
Total	-	-	-	\$171,773 25

### MISCELLANEOUS EXPENSES.

Paid for Translating Laws	-	-	-	\$ 419 00
" Copying Laws and Journals	-	-	-	643 39
" Distributing Laws and Journals	-	-	-	1 500 00
" Indexing Laws and Journals	-	-	-	5,430 00
" Rent of Armory, &c.	-	-	-	119 50
" Rent of State Offices	-	-	-	9,257 50
" Rent of State Capitol	-	-	-	6,000 00
" Translating Legislative and Executive documents	-	-	-	788 38
" Transportation of Prisoners	-	-	-	39,072 00
" Transportation of Insane	-	-	-	2,530 00
" State Library	-	-	-	139 50
" Fitting up Treasurer's Office, &c.	-	-	-	2,429 10
" Prosecuting Delinquents by order of Controller	-	-	-	5,000 00
" Costs of suit where the State was party	-	-	-	3,067 48
" Fees and Costs of suit Prosecuted by the Attorney General	-	-	-	1,535 25
" Prosecution of Escheated Estates	-	-	-	15,403 35
" Indexing Journals of 1854	-	-	-	300 00
" Supreme Courts Reports of 1853 and '54	-	-	-	6,000 00
" Instruments, Furniture, and Platting Expenses in Surveyor General's Office	-	-	-	230 00
" Apprehension of Fugitives from Justice	-	-	-	1,000 00
" President pro tem, of Senate of 1852, 1853 and 1854,	-	-	-	1,532 00
" Commissioner of the War Debt,	-	-	-	3,500 00
" Clerk to Board of War Commissioners,	-	-	-	2,000 00
" Contingents of "	-	-	-	1,000 00
" State Agricultural Society,	-	-	-	5,000 00
" Clerk to Board Cal. War Examiners,	-	-	-	900 00
" Repairing Water Pipes at Capitol,	-	-	-	193 00

Total, - - - - \$114,989 45

Amount carried forward - - - \$1,247,978 51

	Amount brought forward	\$114,989 45	\$1,217 978 61
Paid for Water Furnished the State,	- -	200 00	
" Paul Morrill's Compensation as Expert,	-	650 00	
" Lithographing Bonds of 1855	-	1,000 00	
" W. M. Lowe, Arrest of Prisoners,	-	1,000 00	
" Office Rent of California Land Commissioners,	- - -	1,100 00	
" James Langley, Relief Appropriation,	-	815 00	
" Selim E. Woodworth, Relief Appropriation	- - -	551 75	
" Sarah Staples, Relief Appropriation,	-	400 00	
Total,	- - - -		\$120,706 20
Grand Total,	- - - -		\$1,368,684 81

N B. In the foregoing table, an apparent discrepancy appears, as it shows one month's extra pay as having been received by the different executive officers, and their clerks. This arises from the fact, that the monthly salary due at the close of the sixth fiscal year, was not drawn until the 2d day of July, 1855, being in the first month of the seventh fiscal year.

#### RECAPITULATION OF EXPENDITURES.

Executive Department,	- - - -	\$114,079 87	
Judicial "	- - - -	105,115 01	
Legislative "	- - - -	293,412 29	
Hospital Purposes,	- - - -	141,163 63	
School "	- - - -	52,255 42	
State Prison "	- - - -	370,174 14	
Printing,	- - - -	171,778 25	
Miscellaneous Expenses,	- - - -	120,706 20	
Grand Total,	- - - -		\$1,368,684 81



## Of Receipts into the State Treasury during the First, Second, Third, Fourth, Fifth, Sixth and Seventh Fiscal Years.

RECEIVED FROM.	First Fiscal Year, end- ing June 30th, 1850.	Second Fiscal Year, ending June 30th, '51.	Third Fiscal Year end- ing June 30th, 1852.	Fourth Fiscal Year ending June 30th, 1853.	Fifth Fiscal Year, end- ing June 30th, 1854.	Sixth Fiscal Year end- ing June 30th, 1855.	Seventh Fiscal Year, ending June 30th, 1856.	TOTALS.
Alameda, -	—	—	—	—	15,816 97	17,334 14	23,138 94	56,290 05
Amador, -	—	—	—	—	—	9,554 70	23,905 61	33,460 31
Butte, -	—	512 43	3,064 75	6,651 42	7,347 48	15,380 10	16,574 66	49,530 84
Calaveras, -	—	—	3,173 93	10,670 96	35,765 71	24,298 54	4,152 17	78,061 31
Colusi, -	—	—	1,754 09	1,164 76	3,662 95	5,802 62	6,607 22	18,991 54
Contra Costa, -	—	9,854 57	9,690 04	9,819 68	8,481 49	9,601 31	7,573 63	55,020 72
El Dorado, -	—	1,200 00	8,643 93	27,035 52	65,666 02	46,180 61	70,529 15	219,255 23
Humboldt, -	—	—	—	—	3,645 63	3,498 69	1,124 69	8,269 01
Klamath, -	—	—	—	549 62	1,100 00	—	1,991 77	3,641 39
Los Angeles, -	—	10 037 02	10,593 32	9,354 53	17,051 07	14,051 86	14,936 50	76,024 30
Marin, -	—	4,553 50	4,402 03	3,298 38	—	6,357 06	2,152 59	20,768 56
Mariposa, -	—	858 53	—	6,091 28	14,359 23	12,607 85	26,322 28	60,239 17
Merced, -	—	—	—	—	—	—	2,771 65	2,771 65
Monterey, -	—	16,818 79	9,135 61	5,821 55	9,607 00	7,861 47	6,014 70	55,259 12
Napa, -	—	4,149 92	4,790 70	3,326 47	6,697 60	7,012 40	8,828 58	34,805 67
Nevada, -	—	—	8,310 41	15,822 98	14,630 98	25,229 47	29,011 31	93,605 15
Placer, -	—	—	8,041 61	26,798 95	28,302 73	27,211 29	28,913 81	119,268 39
Plumas, -	—	—	—	—	—	3,087 05	4,543 90	7,630 95
Sacramento, -	—	42,092 29	64,939 70	17,977 36	34,704 95	68,024 50	60,128 67	287,867 47
San Bernardino, -	—	—	—	—	1,528 46	1,104 27	1,034 17	3,666 90
San Diego, -	—	—	3,910 50	598 9	1,827 60	3,186 14	3,204 91	12,728 06
San Francisco, -	—	132,359 29	100,544 54	127,681 79	204,874 39	249,589 56	130,846 71	945,896 28
San Joaquin, -	—	9,198 30	13,389 97	16,120 25	22,332 46	26,300 61	30,321 65	117,662 24
San Luis Obispo, -	—	2,667 74	2,245 65	1,353 13	1,693 30	1,555 12	1,656 07	11,171 01

Santa Barbara,	-	5,086 87	3,621 26	3,430 34	5,853 64	357 47	—	18,349 58
Santa Clara,	-	22,790 07	16,873 26	2,083 89	15,137 07	30,936 88	29,542 17	117,363 34
Santa Cruz,	-	4,948 36	7,903 23	146 30	7,288 40	4,009 60	4,146 25	28,442 14
Shasta,	-	—	5,185 56	2,608 15	8,318 46	10,386 58	11,729 42	38,228 17
Sierra,	-	—	—	—	14,544 83	15,074 44	19,509 27	49,128 54
Siskiyou,	-	—	—	5,001 45	3,327 83	13,157 90	9,685 47	31,172 65
Solano,	-	9,580 99	6,897 35	7,522 19	11,583 90	4,530 55	16,224 17	56,339 15
Sonoma,	-	4,772 43	4,800 00	9,356 19	13,479 90	12,725 14	9,318 63	54,452 29
Stanislaus,	-	—	—	—	—	2,679 24	3,671 27	6,350 51
Sutter,	-	4,772 38	1,000 00	2,795 12	3,886 94	3,585 69	6,467 09	22,507 22
Trinity,	-	—	1,34 03	1,203 58	6,635 82	10,326 84	12,099 86	31,300 13
Tulare,	-	—	—	—	1,012 62	646 85	1,058 07	2,717 54
Tuolumne,	-	—	8,269 51	20,470 52	5,309 51	25,519 71	35,751 79	95,312 04
Yolo,	-	1,308 20	2,701 60	4,576 01	4,070 00	4,690 85	10,595 24	27,941 90
Yuba,	-	9,827 25	12,184 46	18,112 67	23,804 58	37,682 94	43,707 72	145,319 62
Foreign Miners' Tax, 1850,	3,156 37	29,991 20	—	—	—	—	—	33,147 47
Gov's Office Rent refunded,	—	1,235 00	—	—	—	—	—	1,235 00
State Marine Hospital,	—	887 60	—	—	—	—	—	887 60
Secretary of State's Office,	—	187 25	80 75	1,156 20	2,604 20	1,957 50	2,842 00	8,827 90
State Assayer's Office,	—	1,106 07	—	—	—	—	—	1,106 07
City of San Francisco,	—	—	15,250 00	—	53,635 50	312 50	—	69,198 00
A. W. Adams,	—	—	11 03	—	—	—	—	11 03
Controller of State,	—	—	—	500 00	268 00	—	—	768 00
Pacific Mail Steamship Co.,	—	—	—	—	12,500 00	—	—	12,500 00
Board of Cal. Land Com'rs	—	—	—	—	294,902 70	212,833 56	53 12	507,789 38
Commissioner of Immigrants	—	—	24,391 25	85,885 70	31,058 00	29,292 50	602 95	171,230 40
Estate of W. W. Scott, dec'd	—	—	—	—	4,240 31	—	—	4,240 31
Estate of G. Brock, decas'd	—	—	—	—	80 09	—	—	89 09
United States,	—	—	—	—	—	150,000 00	—	150,000 00
Hackett & Judah,	—	—	—	—	—	1 00	—	1 00
Totals,	\$3,156 27	\$330,796 05	\$366,825 07	\$454 985 85	\$1,022,647 32	\$1,155,537 10	\$723,289 83	\$4,057,237 49



[D.]

## EXHIBIT

## Of Expenditures for the First, Second, Third, Fourth, Fifth, Sixth and Seventh Fiscal Years.

EXPENSES OF	FISCAL YEARS							TOTALS.
	First Fiscal Year, ending June 30, 1850.	Second Fiscal Year, ending June 30, 1851.	Third Fiscal Year, ending June 30, 1852.	Fourth Fiscal Year, ending June 30, 1853.	Fifth Fiscal Year, ending June 30, 1854.	Sixth Fiscal Year, ending June 30, 1855.	Seventh Fiscal Year, ending June 30, 1856.	
Executive Department.....	\$26,568 30	\$103,354 84	\$94,886 20	\$102,607 04	\$125,110 49	\$137,581 03	\$114,079 87	\$704,187 77
Judicial .....	26,996 50	98,054 25	155,533 76	126,697 09	93,309 60	102,278 29	105,115 01	707,983 50
Legislative .....	215,806 94	212,924 48	306,780 25	312,301 61	307,712 78	374,439 98	293,412 29	2,023,388 33
Hospital Purposes .....	.....	8,387 30	90,939 75	210,306 42	225,453 91	390,210 82	141,163 63	1,066,461 83.
School Purposes.....	.....	.....	.....	.....	.....	.....	52,255 42	52,255 42
State Prison .....	.....	.....	.....	.....	.....	.....	370,174 14	370,174 14
Printing .....	74,073 25	100,933 51	159,845 77	202,494 39	107,610 71	139,405 21	171,778 25	956,141 09
Miscellaneous Expenses .....	4,720 27	62,048 45	117,709 83	314,742 58	346,560 47	193,571 31	120,706 20	1,159,059 11
Totals. ...	\$348,165 26	\$585,702 83	\$925,694 56	\$1,269,149 13	\$1,204,757 96	\$1,337,496 64	\$1,368,684 81	\$7,039,651 19

## TABULAR STATEMENT

*Of the amount of each Appropriation, made by Law, the amount audited under each, and the balance unexpended at the close of the Seventh Fiscal Year, ending June 30th, 1856.*

PURPOSE AND DATE OF ACT.		Amount of Appropriation.	Amount Expended.	Amount Unexpended.	Amount Overdrawn.
For the Support of the Indigent Sick, Act of May 19th, 1853.	.....	16,803 65	16,803 65	.....	.....
“ “ Common Schools, Act of May 3d, 1855.	.....	52,255 42	52,255 42	.....	.....
<i>General Appropriation Act of April 27th, 1855, unexpended balances.</i>					
For Salary of Governor.	.....	6,666 67	6,666 67	.....	.....
“ “ Controller of State.	.....	3,000 00	3,000 00	.....	.....
“ “ Treasurer “	.....	3,000 00	3,000 00	.....	.....
“ “ Secretary “	.....	2,625 00	2,625 00	.....	.....
“ “ Superintendent of Public Instruction.	.....	3,375 00	3,375 00	.....	.....
“ “ Attorney General.	.....	1,333 33	1,333 33	.....	.....
“ “ Surveyor General.	.....	1,333 34	1,333 34	.....	.....
“ “ Quarter Master General.	.....	2,500 01	2,500 01	.....	.....
“ “ Governor's Private Secretary.	.....	1,666 67	1,666 67	.....	.....
“ “ Justices of Supreme Court.	.....	19,200 12	19,200 12	.....	.....
“ “ District Judges.	.....	55,268 00	55,268 00	.....	.....
“ “ Clerks in Controller's Office.	.....	6,480 00	6,480 00	.....	.....
“ “ “ Treasurer's Office.	.....	4,320 00	4,320 00	.....	.....
“ “ “ Secretary of State's Office.	.....	6,850 00	6,850 00	.....	.....
“ “ Contingents of Controller's Office.	.....	3,707 50	3,707 50	.....	.....
“ “ “ Treasurer's Office.	.....	1,975 98	1,975 98	.....	.....

TABULAR STATEMENT.—CONTINUED.

PURPOSE AND DATE OF ACT.		Amount of Appropriation.	Amount Expended.	Amount Unexpended.	Amount Overdrawn.
For Contingents of Secretary of the State's Office.....		2,326 47	2,326 47	.....	.....
" " Quarter Master General's Office.....		563 49	563 49	.....	.....
" " Attorney General's Office.....		29 00	29 00	.....	.....
" " Surveyor General's Office.....		1,368 77	1,368 77	.....	.....
" " Superintendent of Public Instruction.....		806 00	806 00	.....	.....
" " Supreme Court.....		1,355 51	1,355 51	.....	.....
" " Legislature.....		4,943 79	4,811 00	132 79	.....
" " Translating Laws.....		419 00	419 00	.....	.....
" " Copying Laws and Journals.....		740 35	643 39	96 96	.....
" " Transportation of Prisoners.....		5,920 00	5,920 00	.....	.....
" " Fitting up Treasurer's Office and purchasing a Safe.....		2,429 10	2,429 10	.....	.....
" " State Printing.....		24,013 29	24,013 29	.....	.....
" " Paper for Printing.....		3,111 00	3,111 00	.....	.....
" " Support and Maintenance of Insane Asylum.....		29,999 51	29,999 51	.....	.....
" " Rent of Armory, &c.....		119 50	119 50	.....	.....
" " per diem and mileage of Lieutenant Governor.....		1,600 00	1,600 00	.....	.....
" " Salaries of Physicians of Insane Asylum.....		4,000 00	4,000 00	.....	.....
" " Pay of Officers and Clerks of the Senate.....		10,035 00	10,035 00	.....	.....
" " " " Assembly.....		6,919 00	6,919 00	.....	.....
" " per diem and mileage of Senators.....		11,709 00	11,709 00	.....	.....
" " " " Assemblymen.....		35,200 00	35,200 00	.....	.....
" " For Office Rent of State Officers.....		7,907 50	7,907 50	.....	.....
" " Indexing Laws and Journals.....		2,600 00	2,600 00	.....	.....
" " Contingents of State Library.....		2,500 00	2,500 00	.....	.....
" " Prosecuting Delinquents by order of Controller.....		5,000 00	5,000 00	.....	.....
" " Contingents of Controller's Office, Act of March 14, 1855.....		1,010 83	1,010 00	.....	.....
" " Superintendent of Pub. Instruction, Act of March 14, '55.....		797 50	805 65	.....	8 15

For Transportation of Prisoners, Act of March, 1855.....	8,665 00	8,665 00	
" Paper for Printing, Act of March 14th, 1855.....	67 25	67 25	
" Costs of Suit, wherein the State was party, Act of March 14th, 1855..	667 48	667 48	
" Transportation of Insane, Act of March 14th, 1855.....	205 00	205 00	
" Official Advertisements, Act of March 14th, 1855.....	844 28	844 28	
" Prosecution of Escheated Estates, Act of March 20th, 1855.....	15,857 00	15,403 35	453 65
" Indebtedness of the State Marine Hospital, Act of April 16th, 1855..	30,121 29	30,121 49	20
" A. J. F. Phelan, Clerk to Board of California War Examiners, Act of April 23d, 1855.....	900 00	900 00	
" Distributing Laws and Journals, Act of April 27th, 1855.....	1,500 00	1,500 00	
" Salary of Secretary of Supreme Court, Act of April 30th, 1855.....	1,800 00	1,800 00	
" Payment of State Prison Inspectors, Act of April 30th, 1855.....	100 00	100 00	
" Rewards for Arrest of Fugitives from Justice, Act of April 30th, 1855	1,000 00	1,000 00	
" Relief of Sarah Staples, Act of April 30th, 1855.....	400 00	400 00	
" Building and Furniture for Insane Asylum, Act of May 3d, 1855.....	15,000 00	15,000 00	
" Salaries of State Prison Directors and Attaches, Act of May 7th, 1855	38,959 94	38,959 94	
" Labor and Materials furnished State Prison, Act of May 7th, 1855..	172,906 56	172,906 56	
" State Agricultural Society, Act of May 13th, 1854.....	5,000 00	5,000 00	
" Salary of Governor's Private Secretary, Act of March 21st, 1854.....	218 44	218 46	( 2
" Office Rent of Cal Land Commissioners, Act of March 21st, 1854.....	1,100 00	1,100 00	
" State Library, Act of May 1st, 1852.....	139 50	139 50	
" Purchase of Property for State Prison.....	47,477 70	47,477 70	
<i>General Appropriation Act of March 15th, 1856.</i>			
For Salary of Governor.....	10,000 00	4,166 66	5,833 34
" " Controller of State.....	4,500 00	1,875 00	2,625 00
" " Treasurer of State.....	4,500 00	1,875 00	2,625 00
" " Secretary of State.....	3,500 00	1,127 65	2,372 35
" " Attorney General.....	2,000 00	833 30	1,166 70
For Salary of Surveyor General.....	2,000 00	833 31	1,166 69
" " Superintendent of Public Instruction.....	4,500 00	1,875 00	2,625 00



## TABULAR STATEMENT.—CONTINUED.

PURPOSE AND DATE OF ACT.	Amount of Appropriation.	Amount Expended.	Amount Unexpended.	Amount Overdrawn
For Salary of Quarter Master General.....	3,000	749 99	2,250 01	.....
" Governor's Private Secretary.....	2,500	1,041 66	1,458 34	.....
" Secretary of Supreme Court.....	1,350	300 00	1,050 00	.....
" Justices of Supreme Court.....	26 000	8,633 11	17,366 89	.....
" District Judges.....	50,000	6,397 27	43,602 73	.....
" Clerks in Controller's Office.....	12,960	5,400 00	7,560 00	.....
" " Treasurer's Office.....	6,480	2,700 00	3,780 00	.....
" " Secretary of State's Office.....	9,720	3,815 00	5,905 00	.....
" per diem and mileage of Lieutenant Governor and Senators.....	50,000	33,062 00	16,938 00	.....
" " Assemblymen.....	110,000	77,683 40	32,316 60	.....
" compensation of Officers and Clerks of the Senate.....	20,000	20,000 00	.....	.....
" " " Assembly.....	30,000	26,692 00	3,308 00	.....
" Contingents of the Senate.....	7,000	7,000 00	.....	.....
" " Assembly.....	13,000	13,000 00	.....	.....
" " Supreme Court.....	6,000	3,161 00	2,839 00	.....
" " Controller's Office.....	3,000	1,438 81	1,561 19	.....
" " Treasurer's Office.....	3,000	1,892 19	1,107 81	.....
" " Secretary of State's Office.....	3,000	1,563 42	1,436 58	.....
" " Superintendent of Public Instruction.....	2,000	530 49	1,469 51	.....
" " State Library.....	1,000	147 93	852 07	.....
" " Surveyor General's Office.....	2,500	1,116 00	1,384 00	.....
" " Quarter Master General's Office.....	2,000	1,258 32	741 68	.....
" " Attorney General's Office.....	2,500	858 50	1,641 50	.....
" " Governor's Office.....	2,500	2,219 35	280 65	.....
" Governor's Special Contingent Fund.....	5,000	4,978 82	21 18	.....
" Support of Insane Asylum.....	60,000	29,937 15	30,062 85	.....



Salaries of Physicians of the Insane Asylum.....	8,000 00	2,000 00	6,000 00	.....
Rent of the State House.....	12,000 00	3,000 00	9,000 00	.....
Payment of Supreme Court Reports for the year 1854.....	3,000 00	3,000 00		.....
Printing, Paper and Official Advertisements.....	90,000 00	47,900 87	42,099 13	.....
Instruments, Furniture and Platting Expenses in Surveyor General's office.....	2,500 00	230 00	2,270 00	.....
Stationery, Fuel, Lights, &c., for the Legislature.....	15,000 00	8,449 11	6,550 89	.....
<i>Appropriations for Deficiencies. Act of April 7th, 1856.</i>				
Compensation of State Printer.....	62,000 00	51,077 01	10,922 99	.....
Purchase of Paper for State Printing.....	4,600 00	4,600 00		.....
Transportation of Prisoners.....	12,000 00	11,935 00	65 00	.....
Transportation of Insane.....	2,325 00	2,325 00		.....
Fitting up Capitol, and Articles for the Legislature.....	6,465 20	6,465 20		.....
Stationery by D. S. Lord.....	4,411 00	4,411 00		.....
Costs of Suit where the State was Party.....	2,400 00	2,400 00		.....
Rent of Room for State Library.....	1,350 00	1,350 00		.....
Translating Laws, Executive and Legislative Documents.....	2,659 00	788 38	1,870 62	.....
Indexing Journals of 1854.....	300 00	300 00		.....
Pay of Presidents pro tem. of 1852, 1853, and 1854.....	1,532 00	1,532 00		.....
Contingents of Supreme Court.....	9,000 00	9,000 00		.....
“ State Library.....	138 00	138 00		.....
“ Governor's Office.....	650 00	650 00		.....
“ Controller's Office.....	2,835 00	2,835 00		.....
“ Treasurer's Office.....	2,151 00	2,151 00		.....
“ Secretary of State's Office.....	570 00	568 30	1 70	.....
“ Superintendent of Public Instruction.....	1,000 00	1,000 00		.....
“ Attorney General's Office.....	800 00	71 00	729 00	.....
Township Plats, &c., and Contingents of Surveyor General's Office.....	5,000 00	5,000 00		.....
Contingents of Quarter Master General's Office.....	893 00	893 00		.....
Compensation of Paul Morrill as Expert.....	650 00	650 00		.....
Per Diem of Senators.....	2,275 00	1,832 00	443 00	.....

# TABULAR STATEMENT—CONTINUED.

PURPOSE AND DATE OF ACT.	Amount of Appropriation.	Amount Expended.	Amount Unexpended.	Amount Overdrawn.
Per Diem of Assemblymen.....	180 00	180 00	.....	.....
Rent of Capitol.....	3,000 00	3,000 00	.....	.....
Lithographing State Bonds of 1855.....	1,000 00	1,000 00	.....	.....
Expenses of State Marine Hospital.....	9,684 83	9,684 83	.....	.....
Supreme Court Reports for the year 1853—(Vol. 3d).....	3,000 00	3,000 00	.....	.....
Arrest of Prisoners, Reward offered by Governor Bigler.....	1,000 00	1,000 00	.....	.....
Wells, Fargo & Co., Expressing Packages in 1855.....	5,783 00	5,782 78	..... 22	.....
James Langley, Services in Governor's Office in 1855.....	815 00	815 00	.....	.....
Repairing Water Pipes at Capitol Building.....	193 00	193 00	.....	.....
Payment of Water furnished the State for eight months.....	200 00	200 00	.....	.....
Publishing proposed Amendments to the Constitution.....	25,000 00	19,515 09	5,484 91	.....
Publishing Notices concerning Wagon Road, Swamp and Overflowed Lands, Rewards, Election Proclamations, &c.....	13,049 00	6,215 46	7,433 54	.....
<i>Publishing Notices of Sales by State Land Commissioners.</i>				
To the State Journal.....	2,301 37	2,073 75	227 62	.....
To the S. F. Times and Transcript.....	3,108 25	3,108 25	.....	.....
To the S. F. Evening News.....	2,227 50	2,139 75	87 75	.....
To the Echo du Pacifique.....	1,000 00	1,000 00	.....	.....
To the S. F. Sun.....	2,120 00	2,116 50	3 50	.....
To the S. F. Herald.....	2,308 51	2,159 75	148 76	.....
To the California Express.....	2,052 00	1,836 00	216 00	.....
To the Support of Insane Asylum, Act of March 25, 1856.....	3,597 00	3,597 00	.....	.....
<i>Miscellaneous Appropriations.</i>				
Compensation of Officers and Clerks of the Senate, Act of April 19, 1856....	6,000 00	4,929 00	1,071 00	.....

Contingents of the Senate, Act of April 16, 1856.....	9,000	8,664 30	235 70
Contingents of the Assembly, Act of April 16, 1856.....	10,000	4,987 50	5,012 50
Salaries of State Prison Directors and Attaches, Act of May 7, 1855.....	21,910 80	21,910 80	
Temporary Support of State Prison, Act of February 14, 1856.....	15,000	15,000	
Expenses of Board of State Prison Commissioners, Act of March 21, 1856..	500	100	400
Lessee of the State Prison, Act of March 21, 1856.....	40,000	40,000	
Salaries of State Prison Directors, Act of April 7, 1856.....	7,875	1,458 34	6,416 66
Supplies and Materials furnished State Prison, Act of April 7, 1856.....	32,000	32,000	
Relief of Selim E. Woodworth, Act of April 14, 1856.....	551 75	551 75	
Transportation of Prisoners, Act of April 21, 1856.....	35,000	12,552	22,448
Indexing Laws and Journals, Act of April 16, 1856.....	3,200	2,830	370
Fees and Costs of suit prosecuted by Attorney General, Act of April 16, 1856	3,000	1,535 25	1,464 75
Contingents of Board of Examiners, Act of April 16, 1856.....	250	15	235
Salary of S. B. Smith, Commissioner of War Debt, Act of April 19, 1856....	5,000	3,500	1,500
Salary of Clerk to Board of Commissioners of War Debt, Act of April 19, 1856	3,800	2,000	1,800
Incidental Expenses of Commissioner of War Debt, Act of April 19, 1856..	1,000	1,000	
Per Diem and Mileage of Lieutenant Governor as Member of State Prison Commissioners, Act of April 19, 1856.....	260 80	260 80	
Translating Laws, Act of March 15, 1856.....	3,000		
Distributing Laws and Journals, Act of March 15, 1856.....	1,000		
Prosecuting Delinquents, Act of March 15, 1856.....	4,000		
Salary of Supreme Court Reporter, Act of April 19, 1856.....	4,000		
Annual and Term Reports, Act of April 19, 1856.....	2,000		
Translating certain Documents, Act of April 21, 1856.....	8,200		
Preparing Bonds of 1856, Act of April 19, 1856.....	1,000		
Completion of Insane Asylum, Act of April 19, 1856.....	40,000		
San Joaquin Republican, Act of April 7, 1856.....	2,265 75		
San Francisco Citizen, Act of April 7, 1856.....	2,120		
Salaries of Members of Board of Examiners, Act of April 16, 1856.....	1,800		
Erection of State Capitol, Act of April 18, 1856.....	300,000		
Contingents of State Capitol Commissioners, Act of April 18, 1856.....	2,000		

Total Expenditures.....\$1,368,684 81.

## ABSTRACT

*Of Real and Personal Property, assessed for the Year 1856, and the amount of State Tax due thereon.*

COUNTIES.	Number of acres of Land.	Value of the same.	Value of Improvements thereon.	Value of City and Town Lots.	Value of Improvements thereon.	Value of Personal Property.	Total Value of Property.	State Tax thereon at 70c. on each \$100.
Alameda .....	166,988	1,162,420	281,170	162,881	168,520	824,751	2,599,751	18,197 33
Amador .....	.....	58,855	16,175	.....	311,065	1,201,231	1,740,326	10,441 95
Butte .....	224,073	323,403	781,105	.....	.....	1,243,211	2,347,719	16,434 03
Calaveras .....	17,642	55,270	163,855	79,960	575,810	999,796	1,975,067	11,539 38
Celosi .....	217,702 $\frac{3}{4}$	489,917 54	93,896	1,600	26,974	863,929 95	1,476,317 49	10,334 22
Contra Costa ..	187,394	572,497	197,989	19,467	24,295	761,588	1,580,136	11,060 95
El Dorado .....	.....	.....	1,671,205	72,500	.....	1,274,693	3,018,398	21,128 78
Fresno .....	.....	50,000	56,065	.....	.....	380,348 50	406,413 50	2,844 89
Humboldt .....	15,791	22,125	129,110	33,975	90,160	366,985	642,355	4,496 48
Klamath .....	.....	.....	.....	.....	.....	.....	.....	.....
Los Angeles ..	.....	.....	.....	.....	.....	.....	.....	.....
Marin .....	285,126	378,912	40,350	8,188	15,970	509,696	1,005,315	6,031 89
Mariposa .....	57,600	1,000,000	400,552	.....	.....	531,095	1,931,647	13,521 52
Merced .....	71,104	35,554	93,815	.....	.....	538,303	667,672	4,006 03
Monterey .....	768,991	573,759	104,120	22,872	127,305	972,216	1,807,182	10,801 09
Napa .....	249,521 $\frac{1}{2}$	746,020	276,125	27,755	76,900	887,405	2,015,205	14,051 23
Nevada .....	.....	.....	.....	.....	.....	.....	2,558,515	17,901 60
Placer .....	.....	.....	.....	.....	.....	.....	2,173,362 87	13,040 17
Plumas .....	.....	.....	.....	.....	.....	.....	.....	.....
Sacramento ..	295,468	758,145	821,065	3,452,760	1,945,495	3,608,351	10,585,821	74,100 75



[illegible]

Totals....



## [G.] STATEMENT

*Showing a General Abstract of Assessments of Real and Personal Property, from the Organization of the State Government to the present Year, 1856, inclusive.*

COUNTIES.	1850.	1851.	1852.	1853.	1854.	1855.	1856.
Alameda,	..	..	..	3,472,837	\$4,383,179	\$ 3,558,360	\$ 2,599,751
Amador,	..	..	..	..	1,038,443	.....	1,740,326
Butte,	\$268,294	\$533,952	\$853,955	2,024,142	1,895,526	2,267,209	2,347,719
Calaveras,	266,078	..	808,450	2,129,966	..	1,927,977	1,975,067
Colusi,	..	367,661	966,840	1,470,131	1,505,178	1,259,053	1,476,317
Contra Costa,	2,002,410	1,753,648	3,236,198	1,995,192	2,330,084	1,710,408	1,580,136
El Dorado,	572,410	697,651	1,831,801	3,660,369	3,278,324	2,530,488	3,018,398
Fresno,	..	..	..	..	..	.....	406,413
Humboldt,	..	..	..	..	826,119	467,161	642,355
Klamath,	..	19,770	65,370	299,984	393,218	.....	.....
Los Angeles,	1,931,403	2,187,992	2,256,125	3,193,487	3,659,040	2,561,359	.....
Marin,	1,006,893	756,375	932,192	..	..	901,589	1,005,315
Mariposa,	..	160,435	1,216,557	1,681,422	1,676,583	1,262,987	1,931,647
Merced,	..	..	..	..	..	495,017	667,672
Monterey,	3,631,213	1,638,308	1,546,920	1,607,168	1,763,787	1,189,875	1,800,182
Napa,	918,164	803,140	1,239,048	1,527,902	1,404,206	2,125,615	2,015,205
Nevada,	..	686,080	956,925	..	1,750,810	2,304,019	2,558,515
Placer,	..	304,192	1,365,985	1,196,975	1,551,757	1,804,089	2,173,362
Plumas,	..	..	..	..	311,003	.....	.....
Sacramento,	8,947,454	6,331,024	7,232,026	8,252,920	8,775,966	9,297,634	10,585,821
San Bernardino,	..	..	..	304,086	305,232	312,778	.....
San Diego,	396,810	820,811	424,637	..	699,859	.....	.....
San Francisco,	21,621,184	17,794,711	18,481,737	32,377,893	35,796,475	32,841,027	30,368,254

San Joaquin, -	1,821,489	1,715,189	2,813,404	4,943,891	4,174,708	4,064,470 00	3,814,968 00
San Luis Obispo, -	577,618	460,530	512,324	421,750	516,441	380,228 00	498,476 11
San Mateo, -	..	..	..	..	..	....	1,320,333 00
Santa Barbara, -	992,676	821,000	989,686	1,136,654	952,065	837,035 00	....
Santa Clara, -	4,883,295	2,934,183	3,292,153	4,428,976	6,582,062	5,443,780 00	5,771,417 00
Santa Cruz, -	..	1,184,821	1,095,094	1,085,400	1,470,878	1,004,971 00	1,148,249 00
Shasta, -	..	497,025	645,545	968,584	1,064,362	1,658,401 00	1,866,470 00
Sierra, -	..	..	657,976	777,784	1,389,042	....	....
Siskiyou, -	..	..	478,988	917,190	1,126,763	2,218,481 00	....
Solano, -	2,709,246	1,178,756	2,896,795	3,851,048	4,580,498	2,794,372 00	....
Sonoma, -	1,187,672	1,627,572	1,657,091	2,880,309	4,098,630	3,941,173 00	....
Stanislaus, -	..	..	..	..	577,973	642,988 00	642,422 00
Sutter, -	1,292,618	741,732	617,894	755,304	1,243,148	1,703,647 00	1,817,104 00
Tehama, -	..	..	..	..	..	....	1,004,075 00
Trinity, -	..	215,812	233,873	526,615	477,055	642,077 50	....
Tulare, -	..	..	..	199,914	193,137	....	....
Tuolumne, -	..	504,927	1,620,911	2,374,861	2,463,986	2,423,510 00	2,564,318 00
Yolo, -	269,702	599,343	1,321,969	1,177,625	1,990,576	2,205,610 00	....
Yuba, -	2,374,060	1,894,412	2,289,906	3,695,267	4,945,517	5,109,804 00	5,667,152 00
otals, -	\$57,670,689	\$49,231,052	\$64,588,375	\$95,335,646	\$111,191,600	\$103,897,193 55	\$95,007,440 97

[H]

## STATEMENT OF THE DIFFERENT FUNDS.

Cash on hand in State Treasury, July 1st, 1856, to the credit of—

General Fund .....	\$70,718 49
Interest Fund of 1851.....	32,714 03
State Prison Interest Fund.....	8,035 28
Hospital Fund.....	3,834 10
Insane Asylum Fund.....	106 72
School Fund.....	43,144 41
Sinking Fund of 1851.....	9,725 54
Estates of Deceased Persons.....	89 09
Library Fund.....	4,354 33
State Property Fund.....	26 81
Military Fund.....	192 64
Interest Fund of 1855.....	2 255 59
	<hr/>
	\$175,197 03
Deduct Interest Fund of 1852, this amount overdrawn.....	11,352 93
	<hr/>
Amount in Treasury as per Controller's Books, July 1, 1856.....	\$163,844 10

## [I] STATE PRISON BONDS.

*Issued under Act of May 11, 1853.*

Total amount issued to June 30, 1856 .....	\$134,500
Amount redeemed Fifth Fiscal Year.....	\$119,500
“ Sixth Fiscal Year.....	6,000
	<hr/>
	125,500
	<hr/>
	\$9,000

## TEMPORARY STATE LOAN BONDS.

*Issued under Act of February 1, 1850.*

Total Principal outstanding June 30, 1856.....	\$2,925 00
Interest to April 22, 1854.....	3,963 95
	<hr/>
	\$6,888 95

## [J.] SEVEN PER CENT. CIVIL BONDS.

*Issued under Act of April 29, 1851.*

Total amount issued to June 30, 1856.....	\$458,500
Amount redeemed Third Fiscal Year.....	\$19,500
“ Fourth Fiscal Year.....	34,500
“ Fifth Fiscal Year.....	70,500
“ Sixth Fiscal Year.....	60,500
“ Seventh Fiscal Year.....	123,500
	<hr/>
	\$308,500
	<hr/>
Balance outstanding June 30, 1856.....	\$150,000

## SEVEN PER CENT. CIVIL BONDS.

*Issued under Act of May 1, 1852.*

Total amount issued to June 30, 1856.....	\$1,424,100	
Amount redeemed Fifth Fiscal Year.....	\$29,500	
“ Sixth Fiscal Year.....	5,000	
		<u>34,500</u>
		<u>\$1,389 600</u>

## SEVEN PER CENT. CIVIL BONDS.

*Issued under Act of March 16, 1855.*

Total amount issued to June 30, 1856, and outstanding.....	\$700,000
--	-----------

## SEVEN PER CENT. CIVIL BONDS.

*Issued under Act of April 19, 1856.*

Total amount issued to June 30, 1856, and outstanding.....	\$894,500
--	-----------

[K.]

## REDEMPTION OF WARRANTS DURING SEVENTH FISCAL YEAR.

*Warrants Redeemed in July, 1855.*

General Fund.....	\$52,625 25	
Hospital Fund.....	5,508 81	
School Fund.....	17,324 83	
		<u></u>
Total in July, 1855.....		\$75,458 89

*Warrants Redeemed in August, 1855.*

General Fund.....	\$26,925 85	
Hospital Fund.....	1,171 45	
School Fund .....	4,336 24	
Library Fund.....	72 50	
		<u></u>
Total in August, 1855.....		\$32,506 04



*Warrants Redeemed in September, 1855.*

General Fund.....	\$28,796 63	
School Fund.....	142 81	
Library Fund.....	67 00	
	<hr/>	
Total in September, 1855.....		\$29,006 44

---

*Warrants Redeemed in October, 1855.*

General Fund.....	\$60,739 85	
Hospital Fund.....	4,229 56	
School Fund.....	1,952 20	
	<hr/>	
Total in October, 1855.....		\$66,921 61

---

*Warrants Redeemed in November, 1855.*

General Fund.....	\$26,452 82	
Hospital Fund.....	6,606 32	
	<hr/>	
Total in November, 1855.....		\$33,059 14

---

*Warrants Redeemed in December, 1855.*

General Fund.....	21,079 53	
	<hr/>	
Total in December, 1855.....		\$21,079 53

---

*Warrants Redeemed in January, 1856.*

General Fund.....	\$90,168 67	
Hospital Fund.....	2,276 27	
School Fund.....	25,894 00	
	<hr/>	
Total in January, 1856.....		\$118,338 94

---

*Warrants Redeemed in February, 1856.*

General Fund.....	\$58,443 55	
School Fund.....	549 36	
	<hr/>	
Total in February, 1856.....		\$58,992 91

*Warrants Redeemed in March, 1856.*

General Fund.....	\$9,379 30	
Hospital Fund.....	1,693 80	
School Fund.....	336 00	
	<hr/>	
Total in March, 1856.....		\$11,409 10

*Warrants Redeemed in April, 1856.*

General Fund.....	\$36,847 44	
Hospital Fund.....	455 20	
School Fund.....	280 80	
Governor's Contingent Fund.....	418 67	
	<hr/>	
Total in April, 1856.....		\$38,002 11

*Warrants Redeemed in May, 1856.*

General Fund.....	\$2,216,51	
Hospital Fund.....	36,43	
School Fund.....	1,455 60	
	<hr/>	
Total in May, 1856.....		\$3,708 54

*Warrants Redeemed in June, 1856.*

General Fund.....	\$3,202 02	
	<hr/>	
Total in June, 1856.....		\$3,202 20
	<hr/>	
Total Redemption other than by Bonding.....	\$491,685 27	\$491,685 27

Total Amount of Warrants Redeemed by Hon. Henry Bates, State Treasurer, up to June 30th, 1856, inclusive, for which Bonds were issued, in conformity with the "Act of April 19th, 1856".....		\$884,663 99
	<hr/>	
Total Redemption seventh Fiscal year.....		\$1,376,349 26

# RECAPITULATION.

Amount Warrants outstanding June 30, 1855. \$296,769 30

Amount of Warrants issued by Controller  
during seventh Fiscal Year, from June 30,  
1855, to June 30, 1856.....1,368,684 81

Total issued and outstanding.....\$1,665,454 11

Total Amount Redeemed as per above....\$1,376,349 26

Total Controller's Warrants outstanding

June 30, 1856..... \$249,104 85

Total Amount of Controller's War-

rants outstanding June 30, 1856..... \$249,104 85

## [L.] WAR DEBT OF THE STATE.

*June 30th, 1856.*

Twelve per cent Bonds issued under Act of 1851, \$200,000 00

Interest due thereon, - - - - 99,812 20

\$299,812 20

Seven per cent. Bonds issued under Act of 1852, \$631,015 00

Interest due thereon, - - - - 116,000 00

\$747,015 00

Warrants unfunded, - - - - 14,351 39

Total, - - - - \$1,061,178 59

## [M.] CONDENSED STATEMENT

*Of the Civil Debt of the State, June 30th, 1856.*

Three per cent. Bonds, Principal and Interest, - - - \$6,888 95

Seven per cent. Bonds, April 29th, 1851, - - - 150,000 00

Seven per cent. Bonds, May 1st, 1852,	-	-	-	-	1,389,600	00
Seven per cent. Bonds, March 16th, 1855,	-	-	-	-	700,000	00
State Prison Bonds, May 11th, 1853,	-	-	-	-	9,000	00
Seven per cent. Bonds, April 19th, 1856,	-	-	-	-	877,500	00
Controller's Warrants, Outstanding June 30th, 1856,	-	-	-	-	249,104	85
						<hr/>
Total Debt, June 30th. 1856,	-	-	-	-	\$3,382,093	80
Deduct Cash on hand in Treasury,	-	-	-	-	143,897	03
						<hr/>
					\$3,238,196	77
Amount due School Fund for School purposes,	-	-	-	-	464,000	00
						<hr/>
					\$3,702,196	77

[N.]

## ESTIMATE

*Of Receipts for the Eighth Fiscal Year, ending June 30th, 1857.*

Property Tax,	-	-	-	-	-	425,000
Poll Tax,	-	-	-	-	-	60,000
Foreign Miners' Licenses,	-	-	-	-	-	175,000
Commutation Tax,	-	-	-	-	-	7,000
Military Tax,	-	-	-	-	-	5,000
Fees from Secretary of State's Office,	-	-	-	-	-	3,000
Swamp and Overflowed Lands,	-	-	-	-	-	18,000
State Licenses,	-	-	-	-	-	60,000
						<hr/>
Total,	-	-	-	-	-	\$753,000

[O.]

## ESTIMATE

*Of Expenditures for the Eighth Fiscal Year, ending June 30th, 1857.*

For Salary of Governor,	-	-	-	-	-	\$10,000
" Controller of State,	-	-	-	-	-	4,500
" Treasurer of State,	-	-	-	-	-	4,500
" Secretary of State,	-	-	-	-	-	3,500
" Superintendent of Public Instruction,	-	-	-	-	-	3,500
" Attorney General,	-	-	-	-	-	2,000
" Surveyor General,	-	-	-	-	-	2,000
" Quarter Master General,	-	-	-	-	-	3,000

For Salary of Governor's Private Secretary,	-	-	-	2,500
" Secretary of Supreme Court,	-	-	-	1,800
" State Prison Directors,	-	-	-	7,000
" Justices of the Supreme Court,	-	-	-	25,834
" District Judges,	-	-	-	79,500
" Clerks in Controller's Office,	-	-	-	12,960
" Clerks in Treasurer's Office,	-	-	-	6,480
" Clerks in Secretary of State's Office,	-	-	-	9,720
Per diem and Mileage of Assemblymen,	-	-	-	73,986
" " Lieutenant Governor and Senators,	-	-	-	37,710
Pay of Officers and Clerks of Assembly,	-	-	-	25,000
" " Senate,	-	-	-	25,000
Joint Contingent Expenses of the Legislature,	-	-	-	10,000
Contingent Expenses of the Senate,	-	-	-	11,000
" " Assembly,	-	-	-	13,000
" " Supreme Court,	-	-	-	6,000
" " Controller's Office,	-	-	-	3,000
" " Treasurer's Office,	-	-	-	3,000
" " Secretary of State's Office,	-	-	-	3,000
" " Super'int of Public Instruction's Office,	-	-	-	2,000
" " Surveyor General's Office,	-	-	-	2,500
" " Attorney General's Office,	-	-	-	2,500
" " Quarter Master General's Office,	-	-	-	2,000
" " Governor's Office,	-	-	-	2,500
Governor's Special Contingent Fund,	-	-	-	5,000
Support of Insane Asylum,	-	-	-	60,000
Salaries of Physicians of Insane Asylum,	-	-	-	8,000
" Supreme Court Reporter,	-	-	-	4,000
Annual and Term Reports,	-	-	-	2,000
Transportation of Prisoners,	-	-	-	30,000
Lessee of State Prison,	-	-	-	120,000
Distributing Laws and Journals,	-	-	-	1,000
Translating Laws,	-	-	-	3,000
Prosecuting Delinquents,	-	-	-	4,000
Indexing Laws and Journals,	-	-	-	3,000
Printing, Paper and Official Advertisements,	-	-	-	75,000
Rent of State House,	-	-	-	12,000
Total,	-	-	-	\$727,990

N. B. The foregoing estimate of Expenditures, is based upon the supposition that the Legislature will not continue in session over ninety days.



[P.]

## WARRANTS

*Drawn from July 1st, 1856, to December 20th, 1856, Inclusive.*

On General Fund,	-	-	-	-	-	\$279,678	38
On Miscellaneous Funds,	-	.	-	-	-	50,822	32
Total Amount Issued,	-	-	-	-	-	\$330,500	70

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[Q.]

## CALIFORNIA WAR DEBT.

Amount of seven per cent. Bonds unredeemed,	-	-	\$36,600	00
Amount of twelve per cent. Bonds unredeemed,	-	-	23,000	00
Total Unpaid up to January 1st, 1854, Exclusive of Interest,				
\$14,000, to January 1st, 1854,	-	-	\$59,600	00
Amount of Appropriations by Congress,	-	-	\$924,259	65
Bonds Redeemed,	-	-	840,648	65
Balance of Appropriation,	-	-	\$83,611	00

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## CIVIL DEBT OF THE STATE.

*December 20th, 1856.*

Three per cent. Bonds, Principal and Interest,	-	-	\$6,888	95
Seven per cent. Bonds, Act April 28th, 1851,	-	-	150,000	00
Seven per cent. Bonds, Act May 1st, 1852,	-	-	1,389,600	00
Seven per cent. Bonds, Act March 16th, 1855,	-	-	700,000	00
Seven per cent. Bonds, April 19th, 1856,	-	-	984,000	00
Controller's Warrants,	-	-	404,447	12
			\$3,634,936	07

Counties.	Roll Tax of 1855.	Roll Tax of 1856.	Property Tax of 1854	Property Tax of 1855.	Property Tax of 1856.	Foreign Miners' License.	Merchants' License.	Bankers' License.	Podlars' License.	Auction License.	Brokers' License.	Billiards and Bowling Alley License.	Theater License.	Circus License.	Seamsters' License.	Auction Duties.	Commutation Tax.	Escheated Estates.	Charity.	Insurance Companies.	Consigned Goods.	Military Tax.	Fines for violation of Revenue Laws.	Fees from Secretary of State's Office.	Swamp and Overflowed Lands.	Totals.
Alameda	104 57			357 62	1,910 02				465 60			210 97							9 70					339 70	3,398 18	
Amador	1,078 60			3,081 02		1,169 44	43 63		552 90		29 10	329 52	48 50		4 85			1,115 50				108 89			12,436 47	
Butte	1,595 17	1,297 20		2,680 99		6,026 00		87 30	116 40	29 10		351 62											223 38		13,522 66	
Calaveras	255 03	144 58		1,919 25		2,616 86		409 72	322 91			379 85	83 34												6,141 54	
Colusa	24 05	405 00		457 67					29 10			33 95										97 00		159 47	1,267 47	
Contra Costa	57 62			1,434 09					116 40			36 37	19 40			9 00								755 53	2,421 41	
El Dorado		9,379 27				16,237 79			669 30			523 80	424 37			12 09						520 70			27,767 38	
Fresno																										
Humboldt	414 93	120 87		1,022 44						3 54		171 67										33 36		1,176 05	3,542 86	
Klamath																										
Los Angeles																										
Marin	74 21			1,621 79																					1,698 00	
Mariposa																										
Merced	86 87			57 98		67 04																		243 99	405 88	
Monterey	62 42			521 22								58 20		9 70		5 89									657 43	
Napa	241 39			178 96					58 20			58 20		9 70											1,146 45	
Nevada	475 29			3,257 06		8,651 14			552 90	29 10	489 85	206 12													8,661 46	
Placer		2,344 33			4,515 17	8,921 16			523 80	87 30	291 00	360 50	63 05									218 25	97 00		17,921 59	
Plumas																										
Sacramento		3,206 91			41,112 87	1,409 52	1,236 75	892 40	1,134 90	1,091 25		436 50	385 57			10 58						346 00		490 43	51,753 63	
San Bernardino				1 50																					1 50	
San Diego																										
San Francisco		552 29	2,570 75	49,646 51	83,278 89	4,023 08	2,066 10		232 80	1,212 50	130 95	312 82				827 62				291 00	1,141 18	796 67		521 00	147,604 16	
San Joaquin		879 07			16,642 13	178 96			436 50			67 90		29 10		37 34								1,185 88	19,922 48	
San Luis Obispo									27 56																27 58	
San Mateo																										
Santa Barbara				4,793 21																					4,820 06	
Santa Clara		1,729 65			26,357 04		43 65		1,804 20			93 15		67 90										687 90	30,978 92	
Santa Cruz	216 79			1,882 78						15 52		31 52	19 88												1,717 86	
Shasta	1,890 83			385 97		1,467 53	160 09	169 75	116 40			111 55	43 65			20 17									5,055 59	
Sierra	373 87					1,262 71		87 30	116 40			270 45												59 84	2,121 73	
Siskiyou	891 11	727 50		1,652 06	204 87	367 10		164 90	174 60			312 82	63 05			49 38									4,307 21	
Solano	51 89			2,670 09					116 40			77 60			4 85	15 52								190 64	3,126 99	
Sonoma	230 13			7,748 85					145 50			33 95			14 55										8,172 98	
Stanislaus	459 31			1,055 58			76 73		58 20			70 33	21 83									23 28		483 04	2,248 30	
Sutter	82 64			1,082 04	365 47				43 65															1,456 88	3,031 28	
Tehama		629 96			2,590 34		21 85		29 10			33 95		38 80	24 25							174 60			3,542 89	
Trinity	467 54			183 43		3,245 70			29 10	23 28	36 37	29 10	43 65												4,058 17	
Tulare																										
Tuolumne		959 78				8,707 15		218 25	1,454 10			213 40	70 33	43 65		5 47									11,847 63	
Yolo	19 21			1,542 85					87 30																2,129 84	3,779 20
Yuba		1,437 15			237 84	3,705 08	481 87	552 00	989 40	485 00		183 82	9 70		21 82										8,143 42	
Secretary of State																	5,633 00							1,150 00	1,150 00	
Commissioner of Immigrants																										
Totals	\$2609 12	\$24,374 18	\$2,570 75	\$20,125 56	\$177,214 64	\$65,110 51	\$6,471 91	\$4,677 72	\$10,414 52	\$2,976 59	\$1,893 92	\$4,898 20	\$871 95	\$213 40	\$55 77	\$986 06	\$5,633 00	\$1,111 50	\$43 50	\$291 00	\$1,141 18	\$2,932 04	\$140 65	\$1,150 00	\$10,113 57	\$424,034 24

[P.]

On Gen  
On Misc

[Q.]

Amount  
Amount

Total U  
\$1

Amount  
Bonds

Three  
Seven  
Seven  
Seven  
Seven  
Contro

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IN ASSEMBLY.]

[EIGHTH SESSION.

ANNUAL REPORT  
OF THE  
SURVEYOR - GENERAL,  
FOR 1856.

[JAMES ALLEN, STATE PRINTER.

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SURVEYOR-GENERAL'S OFFICE,  
Sacramento, January 12th, 1856. }

To His Excellency,

J. NEELY JOHNSON,

Governor of California:

SIR:—As required by law, I have the honor herewith to transmit the annual Report of my office for the year 1856.

The unavoidable delay in the receipt of returns from the County Surveyors, and County Assessors,—some having been received as late the 8th inst.,—has prevented an earlier transmission of the Report.

The action of this office during the past year, and its future wants under the requirements of the various laws prescribing its duties, are reported as follows :

Respectfully, &c.,

J. A. BREWSTER,

Surveyor-General.



# REPORT.

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## I. STATE LANDS.

### 1. SCHOOL LANDS.

The Act of May 7th, 1855, "To provide for the selection of lands donated by the United States to the State of California, for the support of Common Schools and for the erection of Public Buildings," requires the Surveyor-General, (calling upon the County Surveyors for assistance,) to make selections of such lands from time to time, in tracts located according to the system of United States Public Land Surveys, and for his guidance therein, to procure from the United States Surveyor-General, certified copies of survey plats of such lands. To perform this duty, it is necessary for the Surveyor-General to visit the several land offices for information, and the offices of many of the County Surveyors, to secure a judicious selection, as well as to procure the necessary maps from the United States Surveyor-General. In consequence of the want of appropriations for this purpose, no selections have been made, except in the counties of Stanislaus and Merced, although large bodies of land are reported by the several Surveyors as available in their respective counties for School Land locations, and which are rapidly being lost to the State. In this respect, a great necessity exists for action by the Legislature to secure the State interest, by relieving the Surveyor-General from dependence on the County Surveyors. I would recommend that the State Board of Education have control over the School Lands, that the Surveyor-General be empowered to make the selections assisted by the School authorities of each county, and the lands be registered in the Surveyor-General's office for purchase; also that the selections of lands donated for University purposes be made at once, under the same authority, so that the State, either alone or in combination with some other suitable body, can establish an institution of learning to be the center and head of the State system of education. The longer the delay in the location of these lands, the greater is the loss to the State from the rapid occupation of valuable property now being daily made by settlers under the United States pre-emption laws.

The selections made of School Lands are herewith reported, as follows:



## STANISLAUS COUNTY.

Selection.	Township.	Range.	Section.	Subdivision.	Acres.
1	3 S.	13 E.	22	S.E. $\frac{1}{4}$	160
2	3 S.	12 E.	18	E. $\frac{1}{2}$	320
3	3 S.	12 E.	17	W. $\frac{1}{2}$	320
4	3 S.	11 E.	13	..	640
5	3 S.	11 E.	21	N.W. $\frac{1}{4}$	160
6	3 S.	10 E.	19	S. $\frac{1}{2}$	320
7	2 S.	12 E.	25	S. $\frac{1}{2}$	320

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 Total.....2,240

- Selection No. 1.—Sandy loam soil ; scattering timber. Value, \$5 per acre.  
 “ No. 2.—Soil, black sandy loam. Value, \$2 per acre.  
 “ No. 3.—Soil, black sandy loam. Value, \$2 per acre.  
 “ No. 4.—Soil, rich sandy loam. Value, \$2 per acre.  
 “ No. 5.—Soil, rich sandy loam ; scattering timber. Value, \$2 per acre.  
 “ No. 6.—Soil, rich sandy loam ; scattering timber. Value, \$1 25 per acre.  
 “ No. 7.—Soil, rich gravelly loam. Value, \$3 per acre.

The foregoing selections were made by Silas Wilcox, County Surveyor of Stanislaus County, in the place of portions of the 16th and 36th sections of the townships corresponding to those of the selections, viz : No. 1 for N.W. quarter of section 36 : Nos. 2 and 3 for section 36 : No. 4 for section 36 : No. 5 for S.E. quarter of section 16 : No. 6 for S. half of section 36 : No. 7 for S. half of section 36, which had been reported settled upon under pre-emption claims.

## MERCED COUNTY.

Selection.	Township.	Range.	Section.	Subdivision.	Acres.
1	5 S.	13 E.	11	S. $\frac{1}{2}$	320
“	“	“	12	S. $\frac{1}{2}$	320
“	“	“	13	..	640
“	“	“	14	E. $\frac{1}{2}$	320
“	“	“	14	N.W. $\frac{1}{4}$	160
“	“	“	15	N.E. $\frac{1}{4}$	160
2	7 S.	10 E.	8	..	640
“	“	“	9	..	640
“	“	“	10	..	640
3	7 S.	13 E.	21	..	640
4	7 S.	15 E.	22	E. $\frac{1}{2}$	320
“	“	“	23	W. $\frac{1}{2}$	320
“	“	“	27	..	640
“	“	“	28	..	640
5	8 S.	15 E.	14	S.W. $\frac{1}{4}$	160
“	“	“	15	S. $\frac{1}{2}$	320
“	“	“	16	S.E. $\frac{1}{4}$	160

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 Total.....7,040

- Selection No. 1.—On Merced River. Irrigation will cost 75 cents per acre making the land then worth \$15 per acre.
- “ No. 2.—On Merced River. Irrigation expensive. Land very fertile.
- “ No. 3.—On Bear Creek. Land very fertile. Value, \$3 per acre.
- “ No. 4.—On Chowchilla River. Land very fertile, if irrigated. Valued at \$2 per acre.
- “ No. 5.—On Mariposa River. Land very fertile ; sparsely timbered. Valued at \$15 within one year.

The above selections have been made by Erastus Kelsey, County Surveyor of Merced County, and approved in this office.

The plats do not accompany this Report, but have been transmitted to the Governor, as required by the Act.

Four hundred U. S. township plats, from the U. S. Surveyor-General's office, were received by my predecessor and partially copied. Twenty-seven additional ones have been received by me, and with the rest have been copied, in the office, on good drawing paper, to insure preservation and usefulness, and have been transmitted to the County Surveyors of those counties to which they respectively belong.

## 2. SCHOOL LAND WARRANTS.

Under the Act of the Legislature, “To provide for the sale of the 500,000 acres of land donated to the State of California for the support of Common Schools,” there have been located during the present year, sixty nine warrants for 12,933.245 acres, up to January 1st, 1857, as is shown by the following

### STATEMENT.

#### BUTTE COUNTY.

Nos. 424 and 789, for 160 acres each.

#### COLUSA COUNTY.

Nos. 392, 393, 258, 259, 426 and 427, for 160 acres each. Nos. 292 and 273, for 320 acres each.

*Re-located.*—Nos. 604 and 607, for 160 acres each.

#### KLAMATH COUNTY.

Nos. 247 and 677, of 160 acres each.

#### MONTEREY COUNTY.

No. 143, of 320 acres.

#### SAN BERNARDINO COUNTY.

Nos. 159 and 238, for 160 acres each.

## SAN JOAQUIN COUNTY.

Nos. 317, 319, and 318, for 320 acres each. Nos. 776, 72, 454, 716 and 714, for 160 acres each.

## SANTA CLARA COUNTY.

Nos. 113, 237, 47, and 277, of 320 acres each. Nos. 4, 446, 600 and 603, of 160 acres each.

*Re located.*—No. 99, for 320 acres.

*Re-located from Calaveras County.*—Nos. 269 and 270, for 160 acres each.

*Re-located from Monterey County.*—Nos. 380 and 381, for 160 acres each.

## SANTA CRUZ COUNTY.

Nos. 155 and 162, for 160 acres each.

*Re-located on account of irregularity in the former locations.*—Nos. 50, 365, 214, 215, 625 and 675, for 160 acres each.

## SISKIYOU COUNTY.

No. 218 for 320 acres. Nos. 117 and 413, for 160 acres each.

## SHASTA COUNTY.

Nos. 236 and 747, for 160 acres each.

## SONOMA COUNTY.

No. 375, for 160 acres.

## TEHAMA COUNTY.

Nos. 70, and 176, for 320 acres each.

## YOLO COUNTY.

No. 27, for 320 acres. Nos. 750, 751, 731, 737, 753, 755, 756, 757, 758, 758, 726 and 736, for 160 acres each.

## RECAPITULATION.

Counties.	No. of Surveys.	No. of Warrants.	No. of Acres.
Butte .....	1	2	320
Colusi. . . . .	5	10	1,887
Klamath.....	1	2	319,750
Monterey.....	1	1	320
San Bernardino.....	2	2	320
San Joaquin.....	5	8	1,720
Santa Clara.....	13	13	2,880

Santa Cruz.....	4	8	1,229.095
Siskiyou.....	2	3	640
Shasta.....	1	2	257.400
Sonoma.....	1	1	160
Tehama.....	2	2	640
Yolo.....	6	13	2,240
<hr/>		<hr/>	
Total.....	44	67	12,933.245-1000

Difficulties are constantly arising from the want of legal regulations for the registry of the floating, transfer, and re-location of the School Land Warrants. It often happens that survey returns of locations of warrants are made, when the register in this office shows the same to have been located in a different county and by a different person. The law should either prescribe some system, or authorize the Surveyor-General to issue instructions, whereby this conflict of title should be avoided. The evil is hardly felt now; but when the time arrives for the patent to issue, there may be twenty claimants for land, to the amount of 160 acres each, under one and the same warrant.

### 3. SWAMP AND OVERFLOWED LANDS.

As required by the Swamp Land Act, instructions were issued from this office to the different County Surveyors, similar to those in force under my predecessor, and were published for thirty days in the California American newspaper, in Sacramento. Special instructions in two cases were issued, where a departure from the general system of survey adopted by the Act was required.

Under these instructions, apart from those surveys, which have been rejected from non-compliance with the requisitions of the Act, there have been returned to me, up to the first of January, 1857, from sixteen counties, surveys according to the following

### STATEMENT.

Counties.	No. Surveys.	No. Acres.
Alameda - - - -	10	1,125.04
Butte - - - -	15	3,722.40
Colusi - - - -	21	5,337.80
Contra Costa - - -	22	3,323.72
Humboldt - - - -	9	2,000
Merced - - - -	20	3,017.19
Sacramento - - - -	105	25,827.75
San Francisco - - -	11	2,410.98
San Joaquin - - - -	184	40,811.22
Santa Clara - - - -	3	709.17
Shasta - - - -	3	720
Solano - - - -	27	5,298.43
Stanislaus - - - -	59	5,957.63
Sutter - - - -	92	19,487.55
Tulare - - - -	52	6,312
Yolo - - - -	75	20,218.50
<hr/>		<hr/>
Total - - - -	708	146,279.38



In addition to the foregoing, the exterior lines of a tract of 17,500 acres were run by the County Surveyor of Sacramento, but being informally returned as a preliminary survey, it has not been approved or registered in this office. In San Joaquin County a tract of about 32,000 acres is being surveyed under special instructions, the returns of which have not yet been received. Returns for about 5,000 acres, including informal returns sent back for correction, and disputed and conflicting claims, without being rejected are retained for farther examination and a future report.

These swamp and overflowed lands, which I estimate at not less than 5,000,000 acres, constitute one of the greatest sources of wealth in the State, if properly developed and carefully legislated upon. When reclaimed, they will produce every variety of crops, with an abundant return for the labor of cultivation. Much difficulty is already experienced in the conflict of opinion concerning the rule of distinction between lands swamp and overflowed and lands not subject to overflow. The instructions from the Commissioner of the General Land Office do not settle the question.

The registers of the several land offices hold all lands as subject or not subject to private entry as United States Public Lands, upon the returns and maps of the United States Deputy Surveyor, who may have seen the land but once in a single season, and report thereon his unsupported opinion. On the other hand, the claimant for the State is required to prove by the affidavits of those who have well known the land, and by the Surveyor's return, if the same be swamp and subject to overflow, in the meaning of the law. To settle these increasing difficulties, and to save a large body of valuable land to the State, I would recommend that the State lands, and more especially those that are swamp and subject to overflow, be segregated from public lands of the United States. When this is completed, the State will be able to sell her lands to settlers at low rates, and procure her speedy reclamation. Already upon the best of these lands, the settlers are far in advance of the State, and if speedy action be not had, this magnificent domain, apparently so valuable, will prove worthless, and the State in fact be made a sufferer.

I would recommend that the restriction of the sale of swamp lands within certain limits be stricken out, and if necessary, that the lands within those limits, if more valuable than others, be sold at a higher price, according to a properly graduated scale.

I would also recommend that the power of the Surveyor-General to issue instructions for a system of survey varying where necessary from the system of United States Public Land Surveys be more properly defined. The devising of a judicious system of survey of these lands is one of the most difficult engineering problems in the State, and a segregation of the State lands is one of the first and necessary steps to be taken thereto.

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Since writing the foregoing, and as I was about to close my report, I have received from your Excellency, a copy of your annual message, in which I find a letter from Thos. A. Hendricks, Commissioner of the General Land Office at Washington, wherein it is stated, that, "The question of cultivation has been carefully examined, and we have long since decided, that, to place the land without the purview of the Act, it is not necessary for the cultivation to be in grain." And again, "It was not the design of Congress to grant to the States those rich prairie meadows where crops of grass may be cultivated and harvested, hay being regarded as much a staple production as wheat or corn." This is the first official inform-



ation received by this office of any change in the rule of determination as to the character of swamp and overflowed lands.

To show that this rule has not been "long since decided," I quote from my instructions, as ordered by the Act, to the County Surveyors for the survey of swamp and overflowed lands—the action of the predecessor of the Commissioner and his rule of judging the character of these lands :

"It is believed that hundreds of thousands, perhaps millions of acres of the best lands in the State, which have been donated to her as swamp and overflowed lands, will be disposed of by the General Government, unless reliable evidence shall be obtained and presented by the State to prevent the same.

"I would respectfully request particular attention to the following remarks of the Commissioner of the General Land Office. He says that 'all lands which from being swampy or subject to overflow,' are unfit for cultivation, and 'all lands which though dry part of the year, are subject to inundation at the planting, growing or harvesting season, so as to destroy the crop, and therefore are unfit for cultivation, taking the average season for a reasonable number of years as the rule of determination,' are to be considered as granted to the State.

"He also says the United States 'Surveyor-General is authorized to receive such reliable evidence of the character of any of these lands as may be presented by the authorities of the State ; and as many of the lands were surveyed at the dry seasons, and hence are not represented by the descriptive notes or plats as being of that character, I have supposed it a matter of sufficient importance to induce you to call upon the County Surveyors or other respectable persons of your State, for statements under oath in relation to the swamp or overflowed lands in their respective counties.'

"He also says : 'Such testimony will be considered as establishing the facts in the case, etc.'

"Section 3 of the Act of September 28th, 1850, requires 'That in making out lists or plats of the lands aforesaid, all the legal subdivisions, the greater part of which is wet and unfit for cultivation, shall be included in said lists and plats, but when the greater part of a subdivision is not of that character, the whole of it shall be excluded therefrom.'

"All the subdivisions upon the township plats are 'legal.'

"The United States Surveyor-General says the 'smallest legal subdivision' is 'forty acres, or a smaller amount when so returned upon the plat.'

"I am of opinion that testimony will be required as to the character of each and every quarter quarter-section or forty acre lot, and that any such lot is a 'legal subdivision,' (except where a smaller quantity is returned on the United States township plats,) to which the State is entitled when the 'greater part is wet and unfit for cultivation,' or subject to inundation at the planting, growing or harvesting season, etc., as described above."

If grass or any other spontaneous product of the soil, which may be used for feed for cattle, or which, by the application of manufacturing power, aided by scientific research, may become the source of wealth and industrial employment, is to be considered a "crop," then is the State of California entirely shut out from the benefits of the Act of Congress of 1850 donating these lands, and the supposed munificent gift of the Government is more than worthless, in that it has induced settlement and moneyed outlay, to produce, in the future, difficulty and vexatious litigation. It is well known the tules are extensively used in the dry season for food by cattle, and swine fatten in them better than elsewhere. It is also demonstrated that the manufacture of paper from tule can be

carried on upon the most extensive scale, and, were labor cheaper, at a handsome profit.

Besides, to make these lands valuable, reclamation is necessary, else, at certain seasons only can they be used ; although the very overflow itself is the cause of the production of this natural "crop."

In their reports upon these lands, the U. S. Deputy Surveyors take neither affidavits nor evidence from those who have long and well understood their character ; but upon some certain day in the year they see them perchance either wet or comparatively dry, (and that but once in their lives,) and thereon decide to throw out or report them as part of the U. S. public domain.

In other States, the State authorities have ever been consulted and listened to in this matter, and where the same care has been shown, as is exhibited in California, the State selections supported by affidavits and strong proofs have ever been acknowledged to be correctly made.

This subject is one of vital importance to the State, and especially to those of her citizens, who, as innocent purchasers have been induced to settlement and expense by the Swamp Land Act, and I recommend it to the earnest attention of the Legislature at its present session.

## II. IMMIGRANT WAGON ROAD.

1. The Act of the Legislature of 1855, entitled, "An Act to provide for the survey and construction of a Wagon Road over the Sierra Nevada Mountains," required the Surveyor-General to cause such road to be surveyed, and in company with the Governor and Controller of State, to locate and construct the same. Under that Act, a location of a route via Placerville and Luther's Pass, to Carson Valley, was selected, and a survey made thereof by order of my predecessor.

Difficulties having arisen in the way of a completion of the duties of the Board of Commissioners under the Act, it devolved upon the successors of those officers to proceed in the work. Before any action could be taken therein by the present Board, a bill in equity was filed in the District Court of the Sixth Judicial District by W. T. Wallace, Esq., Attorney-General, against J. Neely Johnson, Governor, John A. Brewster, Surveyor-General, and David F. Douglass, Secretary of State, the existing Board of Road Commissioners, to enjoin said Commissioners from entering into any contract for the construction of said road, for the reason that the Act empowering said Board is unconstitutional and void. The decision of the District Court was appealed from, and the appeal filed in the Supreme Court on the 15th of July, 1856, and the decision of the Supreme Court was rendered on the 8th day of December, 1856, declaring the said Act creating and empowering the said Board of Commissioners to be unconstitutional and void.

No steps have been taken by this office, or by the Board under the Act, except in defending the above suit, and the entire question of the construction of an Immigrant Wagon Road over the Sierra Nevada, remains as unsettled as it did two years since, save in the increased proof of its immediate necessity.

The interest that has been of late specially exhibited in the construction of one or more roads over the mountains, and the increase of information in regard to various routes in different sections of the State will doubtless induce the Legislature, at its present session, to pass a bill for this purpose, freed from the Constitutional objections which militated against the Act of 1855.

If an act of such a character shall become a law, it will be necessary to re-locate the road, either by the route selected by the former Commissioners or by some other equally good.

Without expressing a preference for any location, I would respectfully call your

attention to the information received from various portions of the State recommending their several routes.

And it is a grave question whether several roads, located in different sections, are not required for the growing wants of the settlers therein, rather than one single road, through which the whole immigration would be forced to come, at probably an increase of time and expense in reaching its destination. On the 14th March, 1856, Hon. Sherman Day introduced a bill into the Senate for an Act to provide for the construction of five such roads: First, From Battle Creek, by Noble's and Fredonyer's Passes, and Honey Lake Valley, to Eastern boundary of the State. Second. From Forest City along or near the line of D. B. Scott, Esq's. survey in October and November, 1855. Third. From Placerville by South Fork of American River, Henderson's and Luther's Passes to Carson Canon, as surveyed by Day and Arnold from October, 1855, to January, 1856. Fourth. From the Big Trees in Calaveras County, by Grizzly Bear Valley, Summit Lakes, and Hope Valley, to Carson Canon. Fifth. From the Cajon Pass in San Bernardino County, by the old trail to the Vegas de Santa Clara to the Eastern boundary. Sixth. To provide for boring a series of artesian wells along the road from San Felipe Canon to Fort Yuma on the Colorado. For performing the work of survey, location, and construction of said several roads and wells, it was proposed to appropriate sums not to exceed in amount :

For the first	-	-	-	-	-	\$ 20,000
For the second	-	-	-	-	-	60,000
For the third	-	-	-	-	-	100,000
For the fourth	-	-	-	-	-	40,000
For the fifth	-	-	-	-	-	20,000
For the sixth	-	-	-	-	-	20,000

I would recommend that an act, similar in its character, should be passed, with such changes of direction and estimated expenses as the increased knowledge of the different routes and mountain passes shall show to be proper. I also recommend the survey and location of a road from the town of Petaluma, in Sonoma County, passing through Santa Rosa and Russian River Valleys to the head waters of Russian and Eel Rivers, and thence with Eel River to Humboldt Bay. Increased facilities for communication between the Northern part of the State and San Francisco, such as this road would afford, are greatly needed. The country along the route is a succession of extensive and fertile valleys and finely timbered tracts, while minerals of a valuable character abound. The country would soon be thickly settled with a permanent population, and the increase of valuable taxable property would make ample return to the State for the cost of the road and the development of the natural resources of this district. For this purpose, I recommend an appropriation of \$20,000.

Herewith are submitted notes of Reconnoissances of the Calaveras and Sierra County routes, over the Sierra Nevada, made during the past summer by myself; and attention is directed to the reports of Messrs. Goddard and Chapman, of a similar character, in the appendix.

## 2. NOTES OF A RECONNOISSANCE OF THE DOWNIEVILLE ROUTE OVER THE SIERRA NEVADA, MADE IN AUGUST, 1856, BY JOHN A. BREWSTER, SURVEYOR GENERAL OF CALIFORNIA.

Having been invited, by certain public spirited citizens of Downieville, to



examine their route for an Immigrant Road, I left that place for Sierra Valley on the 17th of August, 1856. The party accompanying me, consisted of Messrs. A. P. Chapman, W. D. Noland, J. J. Bramley, E. Cady, Sol. Purdy, J. H. Craycroft, J. Charleton, Jos. Sargent, and J. McMurtrie, with well provided pack animals.

Traveling N. E., up the East fork of the North Yuba, for four miles, by an easy graded trail, we turned due East, and, at twelve miles, crossed the summit of the Butte ridge, which is a part of the main ridge of the Sierras. The crossing here, has an elevation of 1,300 feet above Downieville. Bending North for a mile, to avoid the Buttes, which are a rugged mass of conglomerate rock and volcanic debris, with so bold an outline and so great altitude as to be the landmark of this section, we traveled due East, over a succession of little valleys and low ridges covered with timber and interspersed with small lakes, to the East branch of the South fork of the North Yuba. Thence eastward, up this branch and descending gradually, we crossed a low ridge at its head, and entered Sierra Valley at Chapman's Ranch. This point is twenty-four miles from Downieville, and is 1,100 feet lower than the Butte ridge crossing. The proposed road route, after leaving Downieville, instead of following the ridge that I traveled, runs up the North side of the South fork of the North Yuba, by way of New York and Kanaka Flats, and Sierra City, with an easy grade, until it passes the Buttes on their Southern side, and thence, on by the East branch, as above, and through Chapman's Pass, into Sierra Valley. By this route, the ascent and irregularities of the ridge are avoided, as well as any deep fall of snow to impede the travel in winter.

Sierra Valley is a large and level plain, about forty miles long and ten miles wide, lying nearly north and south. It is covered with nutritious grass, and abounds with springs of fresh and mineral waters; some of the latter are of high temperature and medicinal virtue. Its northern, southern, and western sides, are enclosed by hills clothed with fine oak and pine timber. In its centre, is collected, in winter, a large body of water, out of which, flow the heads of the Middle Feather river. Mohawk and Lake Valleys, adjoin it on the north-west, and may be considered as its branches. They are of considerable extent and of equally valuable character. The Beckwourth Pass and old Trading Post, lie near the northeast extremity.

After leaving Chapman's, a canter Northward for twenty-three miles over the open plain,—a better road than is found in most of the foot-hills of the Sacramento Valley—brought us to the Divide and Pass, which is almost on a level with the valley. Thence east, descending on an easy slope for seven miles, we came to Grass Spring, in Long Valley, where are good grass and water. The waters of this valley run north, into Pyramid Lake, and may afford a good road to the desert. Thence southeast, for three miles, and then east, over a rolling country, for six miles farther, we came to Pea-vine Spring, which is about 100 feet higher than the Pass. Here the wild sage region begins, the hills being covered with its scattered growth, while a little grass is found in the hollows. We here passed parties of Indians, over 350 in number, belonging to two different tribes, who had been holding a "grand talk," to settle some disputes about their hunting grounds; and their council having broken up, they were now on their way to their autumnal haunts. A few had horses, on which the happy possessors pranced in great state, while the squaws and half grown children, dragged after them the lodge-poles, on which were fastened their household gear, and in some instances, a papoose, whose glittering eyes shone out in wonderment amid the confused mass of Indian baggage.

Nine miles farther, over a bare rolling upland, with volcanic debris scattered thickly around, and crossing the beds of three alkaline lakes, whose now dry

beds glistened like snow in the sun-rays, we reached the edge of Truckee River valley ; then leaving the sand and wild sage, which had annoyed us for the last two miles, we crossed the valley for five miles to the edge of the river, which is here about eighty yards wide, confined between abrupt banks fifteen feet high and bordered with willow thickets.

This portion of the valley is known as the Big Meadows, extending five miles along the river, with a width of from four to five miles, in which is an abundance of nutritious grass and good water, and at this season enjoys a delightful climate. A number of immigrant trains were camped throughout the valley, and their cattle, dotting the plain, reminded one of an older and settled region. About four miles to the southeast, we were informed, was an incipient Mormon village, whither some of our party were invited to a *ball*. We here first obtained some of the fine salmon trout of the river. Proceeding down the river (crossing it several times, to avoid the sharp points of volcanic ridge-spurs which jut close upon the stream,) with a gentle and uniform descent, in a course nearly directly east, for twenty-six miles, we reached the lower crossing and the road which comes in here across the Desert, from the Sink of the Humboldt, distant from this crossing thirty-eight miles. The river here bends sharply to the left, and running north for twenty-two miles, empties into Pyramid Lake. Crossing to the right bank or desert side, we moved down the river, over barren desert bluffs of hard sand and volcanic rock, covered with wild sage, and a few patches of white bunch grass. The river lies two hundred feet below, and the bluffs are close on the river, with an occasional expansion into handsome little valleys, having fine grass and cottonwood and oak trees ; one of these, at the mouth of the river, extending for five miles with as fine grass and handsome trees as ever met the eye of the immigrant. The river has two mouths ; one branch turning abruptly off, within three hundred yards of Pyramid Lake, and running in a semi-circle to the S.E. and N.E., at five miles empties into Mud Lake, which lies to the northeast of Pyramid. The Pyramid Lake is about forty miles in length and fifteen in breadth, containing the singular rock which has given it its name. It is surrounded by high mountains on the northern and western sides. On the east stretches the barren desert waste, and on the south the river comes in, passing a low ridge of volcanic debris and concrete, in which I found a number of veins of superior spar. I had no opportunity to go out on the lake and examine its waters, but along the shore the water was alkaline and of an offensive fetid odor, leaving a broad and thick deposit as tough as felt. Several Indians were camped here in the sand, living on the fine trout of the river, which they are expert in catching, and having an occasional chase of the big-horn sheep. From this river mouth a good road could be made direct to the Big Meadows, where we first reached the river valley ; and from this point east to the Sink of the Humboldt, or some point higher up that river, whereby much of the desert travel and not less than thirty-five miles of distance can be saved.

After one day's rest in this handsome spot, with the enjoyments of fine fish and game, we retraced our trail to the Big Meadows. Thence, leaving the Beckwourth Pass to the right, we continued up the river to the upper crossing on the old Truckee route. The river running through narrow canons here bends south. After crossing twice, we left it, passing over a low rocky ridge, and at five miles crossed Dog Valley. Ascending westward for four miles, we reached the first summit, here covered with a dense pine forest. Two miles further on we came to the forks of the Henness and old Nevada roads. Bending to the northwest for four miles, we made a noon camp in Clover Valley, which is full of fine grass and water ; thence, north, sixteen miles brought us into the south end of Sierra valley at the hot sulphur springs, in which the party enjoyed a delightful and invigorating bath.



The temperature of these springs, is from  $103^{\circ}$  to  $114^{\circ}$  Farenheit, and they have proved in a few cases of great medicinal power.

The next day, the party returned to Chapman's rancho and thence to Downieville.

On this route, from the Butte ridge eastward, there is little or no work necessary; the grade in no place needing to exceed four degrees. It is in many places a good buggy road at present. From the Butte westward, a grade of five degrees should suffice to make the road of a superior quality. Here, however, for a few miles some heavy work will be required. Rock and timber for construction are abundant and convenient where needed; and the grass and water are amply sufficient in quantity and quality. Of the state of the snow on the mountain in winter, I am unable to speak with certainty; but from the lowness and sheltered character of the Pass, I should consider it with favor even for a winter road. It is well worthy the attention of the Legislature.

The main chain of the mountains, crossed on this route, is the same called the Gibsonville Range by Mr. Goddard, Civil Engineer, to whose report and that of Mr. Chapman, to be found in the Appendix, reference is made for further information.

### 3. NOTES OF A TRIP OVER THE CALAVERAS ROUTE TO CARSON VALLEY, MADE IN OCTOBER, 1856, BY JOHN A. BREWSTER, SURVEYOR-GENERAL.

Having been offered by the kindness and public spirit of certain citizens of Mokelumne Hill, a party for the exploration and reconnoissance of the road over the mountains through Calaveras county, I started in company with Messrs. B. S. Lippincott, H. Atwood, L. C. Root, Dr. Cozine, Geo. S. Anderson, and R. Saunders, of that place, attended by Pancho and Pedro, two Mexican servants, on Tuesday, September 30th, from Mokelumne Hill, and travelling northeastward up the main Mokelumne river, by way of Rich Gulch, Pleasant Springs, and Sandy Gulch, halted for the night at West Point, to let the pack-animals come up. We passed over a good road all the way, on which stages are daily running, and along the line of which miners are constantly at work. Saw-mills and quartz-mills are also in operation, finding ample remuneration for their labor. At West Point we found Dr. Davis, of San Francisco, who, with Ex-Lieut. Gov. Purdy, and many other gentlemen are engaged in developing the resources of this section, believed by them to be one of the richest quartz regions in the State. The quartz is found in ledges running in every direction, in many cases defying calculation as to the supposed dip and course. Near the surface, the sulphurets, which abound in an extraordinary degree, have become decomposed, and the quartz, that is taken from the leads, is thereby rendered easily capable of being worked at small expense with the common mud arastras, and small water wheels, while it affords an almost fabulous return for the labor and capital employed. The village of West Point has but lately sprung into existence and is the frontier settlement of this section of the State, yet it seems destined to become the center of one of the most extensive and lucrative quartz fields now occupied.

On the next day, our pack animals having arrived, we started at mid-day for the real no road country. Crossing the middle fork of the Mokelumne and Seull Flat, we ascended the dividing ridge between the Middle and North Forks of the Mokelumne, at an easy grade for loaded wagons, and still moving northeastward, at twenty-two miles intersected the trail leading to the Big Trees and Murphy's. The ridge to this point rises slightly, and is covered with pine, oak, and a few cedars, having fine grass, and good water on either side. It is a spur of the main divide of the Sierras, and can be followed to the summit. Here turning to the

northward, we crossed a low, narrow, and thickly timbered spur of the divide between the waters of the Stanislaus and the Mokelumne, and proceeded along the side of the ridge on the North Fork of the Stanislaus, crossing several brooks and hollows to Grizzly Bear Valley, a distance of twelve miles—good grass and water all the way. The timber is pine, but stunted and meager. Many granite boulders crop out along the road, and the creek beds are all rocky. The general direction of Bear Valley is north and south, about five miles across, and covered with fine grass. Several emigrant teams were here encamped recruiting their stock on the rich herbage.

Turning N. N. W., and crossing a small round valley, with a central lake, which (the valley not the lake) is called by the high sounding name of Pickens' Bill Williamson's Race Course, and is lying on a level with the top of the ridge, we followed the divide between the Middle and North Forks of the Stanislaus, along its southern slope, traversing the heads of several small streams which run into the Middle Fork, and at five miles crossed the head or north end of Stanislaus Valley. This is one of the handsomest valleys we had seen—the herbage, the beautiful pine growth, and disposition of the rocks, made it a scene worthy the pencil of an artist. The Middle Fork of the Stanislaus rises here, and flows southward through the level meadow. About three miles from this, we found a ledge of slate, containing traces of several ores, running northwest and southeast, also a number of quartz croppings in every direction. Proceeding north-eastwardly up the canon of Stanislaus Valley, we crossed a saddle of the ridge, where is a small lake, and from which point the South Fork of the Mokelumne and a branch of the Stanislaus take their rise. Winding along the ridge northwardly, we descended to the South branch of the North Fork of the Mokelumne, (which here runs due north,) in a canon, heading southeast, with fine bunch grass, young cedar, and spruce. Thence over a broken country, in which many streams head, with rocky beds and scattered timber, bending for six miles to the northwest, we gained the divide of the Sierras and the Summit Lakes. These lakes are deserving of special mention, forming, as they do, a portion of a system of natural reservoirs to be found throughout this entire summit range, from which the heads of all the streams of rivers running into the Great Basin, as well as into the Pacific, flow. Appearing to have no surface outlet except in the wet season, these reservoirs contain a vast body of water, which can, with but little expense, be made to supply the rapidly increasing wants of the agricultural and auriferous region below, to which enterprise and capital will soon direct their outflow.

From the intersection of the Big Tree road to this point, most of the formation has been of secondary rock and conglomerate, with many outcroppings of granite and quartz. The varied outline of the ridges, is at times exceedingly wild and picturesque, with plenty of room for the play of the imagination in its fanciful and changing forms.

From these lakes, we began descending along Carson river waters for ten miles, by an easy grade, through a heavily timbered cañon into the head of Hope Valley, passing through two small valleys and heading a fork of Carson river. The course of this fork would afford a shorter route, but the cañon through which it passes, is impracticable. Proceeding northeast, down Hope Valley, we passed the Placerville road of Mr. Goddard's line of survey, and Johnson's Cut-off, to the head of Carson canon. Thence the road runs eastward down Carson cañon to the main valley of Carson river.

Hope Valley is about eleven miles in length, and from two to three in width. It contains an abundance of fine grass and water,—having a growth of willows and some cottonwoods on the streams, and the hillsides covered with timber scattered among broken rocks. We here obtained some fine trout from the Canon creek. In this valley, about five miles from the head of the canon, there

are to be found many traces of copper ore. Some twenty veins are to be discovered, running parallel to each other in a northwest and southeast direction. One has been opened for a few feet. It lies about 300 feet above the level of the valley, on the south-west slope of the hill. It is 18 inches wide, has a dip of  $45^{\circ}$ , and appears to be valuable. A rough assay showed 40 per cent copper, 10 per cent silver, and 3 per cent gold, and a value per ton of \$200. The hill, in which the vein has been opened, is a low and narrow divide of two forks of Hope Valley, and runs north and south. It is very rocky and heavily timbered, and runs out into the valley about a mile and a half north of the opened vein. About a quarter of a mile to the eastward, this vein runs out into an upright ledge of granite, but it can be easily traced northwestward into the main mountain for three miles. The character of this, and other contiguous veins, indicate that they are merely feeders of the mother vein; and, it is to be believed, that when that is found, it will prove to be exceedingly rich and valuable in ore, if not in native copper, affording a handsome remuneration for the investment of mining capital.

On our return upon the road line, after arriving at the point of intersection of the ridge which we followed from West Point with the Big Trees trail, we continued by this road to the Big Trees, fifteen miles, and thence back to Mokelumne Hill, remaining one night in the Grove. These giants of the forest have been so often and so well described, that I will not add anything here concerning them, except to refer to the strange blunder of those botanists who have classed them among the Taxodiums, they being, instead, of the real Coniferæ and of the genera of the Cypress—the *cupressinæ veræ*. The cone is about two inches in length and of the form of an ovate spheroid. For ten miles on either side of the Grove the road runs through the handsomest forest in California.

The intermediate distances are reported as follows :

From Mokelumne Hill—

To West Point	-	-	-	-	-	15 miles.
Crossing Middle Fork Mokelumne and Scull Flat						2 "
Saunders' Rancho	-	-	-	-	-	3 "
Grass Spring	-	-	-	-	-	5 "
Intersection Big Trees Road	-	-	-	-	-	12 "
Divide between Stanislaus and Mokelumne	-	-	-	-	-	4 "
North Fork Stanislaus	-	-	-	-	-	1 "
Grizzly Bear Valley	-	-	-	-	-	7 "
Main Ridge at head of Stanislaus Valley	-	-	-	-	-	5 "
Across cañon and rocky ridges to Summit of Sierras and Lakes	-	-	-	-	-	11 "
Hope Valley Head	-	-	-	-	-	4 "
Placerville Road	-	-	-	-	-	7 "
Head of Carson Canon	-	-	-	-	-	2 "
From Intersection to Big Trees Grove	-	-	-	-	-	16 "
From Big Trees Grove to Murphy's	-	-	-	-	-	15 "

This would make the distance from the Big Trees to the head of Carson Canon, 57 miles. The grade is gradual and very easy. The Pass is one of the lowest in the mountains. Water, grass and timber are abundant, and of an excellent quality. A number of emigrants passed over the road at our suggestion, some going into Murphy's, others to West Point; and all agreed in praise of it. A number of observations were taken on the route with an aneroid



barometer, but finding on my return, after careful comparisons, that the instrument was not to be relied upon for accuracy, I have omitted the table, referring to other sources for determination of altitudes. This route I can recommend as one worthy of most favorable attention for the location of a road, at small expense, and with great benefit to the immigration into the State.

### III. COUNTY ROADS.

Much complaint has been made of the inefficiency of the Act concerning Roads and Highways, to procure the proper amount of necessary improvement on the county thoroughfares. The County Surveyors should be made Road Commissioners, and be required to be skilful and competent men in their profession, and the road-tax, both poll and property, should be much larger than at present. Citizens are more ready to pay taxes for means of easy intercommunication than for any other purpose, and in the present state of California travel, a pressing necessity exists for the adoption of some good road system. That recommended by my predecessor is one worthy of adoption, and that or some one similar is endorsed by the different County Surveyors. This important subject appeals to the interest of every class of our citizens, and I recommend that a careful examination and action upon it be made by the Legislature.

### IV. COUNTY BOUNDARIES.

#### 1. SURVEYS UNDER SPECIAL ACTS.

##### SANTA CRUZ, SANTA CLARA, AND SAN FRANCISCO.

Returns of map and field notes received January 23d, 1856. This survey was made by Thos. W. Wright, County Surveyor, of Santa Cruz County, under appointment and instructions from my predecessor, and was noticed in his report. The returns were filed in my office, and the accounts of Mr. Wright returned to him for the proper vouchers to be attached. These were subsequently received and transferred by me to the care of the Assemblymen from Santa Cruz and Santa Clara, by whom they were referred to the Committee on Claims, in the Assembly of 1855. Since then, I have heard nothing from Mr. Wright, or the accounts.

##### SONOMA AND MARIN.

Act of Legislature, approved February 23d, 1856. Appointment and instructions issued March 18th, 1856, to Wm. Mock, County Surveyor of Sonoma County. Survey made. Map and field notes received August 11th, 1856. Accounts received and herewith transmitted, \$754.92.

##### FREZNO.

Act of Legislature approved April 19th, 1856. Survey made under order of Board of Supervisors. Field notes received October 8th, 1856, from Wm. W. Bourland, County Surveyor. No accounts received. No claim against the State.

## 2. SURVEYS UNDER THE GENERAL ACT.—AUTHORIZED UNDER CALLS FROM COUNTY AUTHORITIES.

### STANISLAUS AND MERCED.

Application from Board of Supervisors of Stanislaus Co. received February 11, 1856. Appointment and instructions issued February 11, 1856, to Silas Wilcox, County Surveyor of Stanislaus Co. Survey made. Plat and field notes received April 3, 1856. Accounts to be vouched for and transmitted to the Legislature when received.

### ALAMEDA, SAN JOAQUIN AND SANTA CLARA.

Applications received from Boards of Supervisors of Alameda Co. July 7, 1856, of Santa Clara Co. July 9, 1856, and of San Joaquin Co. August 7, 1856. A correspondence had for some time been had by me with the several counties, about their adjoining boundaries. Appointments and instructions for joint work upon the common boundaries of the several counties issued to H. A. Higley, County Surveyor of Alameda Co., L. B. Healey, County Surveyor of Santa Clara Co., and Geo. E. Drew, County Surveyor of San Joaquin Co., September 1, 1856. Appointment not accepted by Geo. E. Drew. The other surveyors are still engaged upon the work, and no returns have yet been received.

### SOLANO AND YOLO.

Application from Board of Supervisors of Solano Co. received November 26, 1856. Appointment and instructions issued November 28, 1856, to E. A. d'Hemecourt, Deputy County Surveyor of Solano Co. Appointment accepted. No returns received.

### TEHAMA AND COLUSI.

Application from Board of Supervisors of Tehama County for a correspondence upon the survey of the boundary between Tehama and Colusi Counties received July 3, 1856. Answered by asking for an order from the Board calling for the survey. No further action has been taken.

### EL DORADO AND SACRAMENTO.

A correspondence was begun upon this subject by a letter from Robt. E. Draper, of the Board of Supervisors of El Dorado county, claiming that an error existed in the settlement of the termini of the line, to which I replied, "that the reported survey and map made under my predecessor were definitive, until legislative action should be taken to alter them."

### BUTTE AND SUTTER.

Field notes and plat of dividing line, as surveyed by J. W. Scott, County Surveyor of Butte county, under order of Board of Supervisors of Butte county, received February 12th, 1856. No accounts received and no claim against the State.



## MARIPOSA.

Map of lines between Mariposa and Merced, and between Mariposa and Fresno, with sketch of Mariposa county, made by Thomas W. Long, County Surveyor of Mariposa county, by order of the Board of Supervisors, received December 26th, 1856. No accounts and no charge against the State.

## ERRORS IN COUNTY BOUNDARIES.

The subject of the defects in the present boundaries of many of the counties is one of very great importance. In some instances it is impossible to determine the lines at all. Arbitrary lines should be made away with and natural boundaries or the lines of the United States Public Land Surveys adopted in their stead. Difficulties are constantly arising as to the several county jurisdictions. Assessors, Sheriffs and Courts are prevented from acting by the uncertainty of the true lines of territorial divisions. Great complaint is made on all sides, and the matter calls imperatively for speedy legislative action. The reports of the Assessors and Surveyors, (to which reference is here made for more particular information,) call attention more especially to the errors in the lines between the counties of Placer and Sacramento; of the west line of Nevada; of the south line of Contra Costa; of the entire boundary of Plumas; of the entire boundary of Colusi; of the lines between Sierra and Plumas; of the lines between San Joaquin and Calaveras, and of the lines separating the counties of Butte, Plumas, Yuba, Sutter and Colusi. All of these are represented to be indefinite, and objectionable, and pregnant with harm to the several counties.

A set of alterations in the boundaries of several counties to avoid ambiguity was recommended by my predecessor, which recommendation I heartily endorse.

## V. EASTERN BOUNDARY.

The necessity for speedy action in defining the Eastern Boundary of the State is daily becoming more apparent. Difficulties are constantly arising in several of the border counties in regard to the assessment and collection of taxes. Along the line lie several large and fertile valleys into which the tide of emigration is directed, and there, an account of the richness of the soil, the luxuriant growth of natural grasses, and other inducements to settlement, farms and even villages are springing up, which will soon vie with many upon the Western Slope. Much difference of opinion exists as to the true jurisdiction of the Courts, whether of Utah or California. As a large taxable property is there accumulating, and the varied business interests of the settlers bind them closely to our State, entirely apart from the consideration of the benefit to our stock of geographical knowledge and to the preparation of the State map, I desire to call attention to the propriety of making appropriations for the work of surveying and determining the boundary line. In connection, herewith, I would direct notice to the remarks of the County Surveyor of Placer on the subject.

## VI. STATE MAP.

The existing official map of the State is a broad burlesque upon the topography of California. No mortal foot has ever trodden over roads delineated upon it, and the directions of mountain chains and river courses, as there laid down, are most admirably calculated to answer the purpose of an ignis-fatuus to delude the benighted

traveler, who should ever trust to their guidance. Lakes are placed where the thirsty soil rarely sucks a drop of water, and fertile plains appear where only barren deserts stretch their broad expanse. It is a disgrace and a reproach to the State, and should be replaced at once by a map conforming to the true character of the country. By private means a mass of valuable geographical information has been collected; and from the various sources of which it is easy for the State to avail herself, a map, correct in detail, with a true delineation of county lines, river courses, mountain ranges, roads, mining canals, positions of towns, &c., can be collated at a comparatively small expense. Such a map made in the *original*, upon a scale admitting of additions, as from time to time increased geographical knowledge will render necessary, should be on file in the Surveyor General's Office, from which, if ever deemed necessary, publication could be made. An official map is supposed to be final evidence of county boundaries, and other geographical and topographical truths by which State or county interests can be affected—in the determination of election contests, for example, where the returns from a single precinct (as has been the case) may decide for or against the right to his seat of a Senator or an Assemblyman. The State should possess a correct map in the *original*, and not be at the mercy of any unauthorized publication. But such an undertaking, if begun, should be upon a scale of expenditure and performance worthy of the State and the value of the work. From time to time, subsequent Legislatures can appropriate sums for the prosecution of the labor on the map to its completion. In New York, Massachusetts, Pennsylvania, and other States, years of labor have been bestowed upon similar works, and it behooves California, who has a greater immediate interest in the development of truthful and reliable information concerning the topography of her territory, to take prompt and effective measures to secure the commencement of a correct State map. I would recommend the appropriation of \$5,000 for that purpose.

## VII. INTERNAL IMPROVEMENTS.

The Surveyor General is required, by law, to report any suggestions or information in his power upon required public improvements, either by a general system for the State, or upon special matters affecting particular localities.

Much of such information in practical detail, must be obtained from the County Surveyors and qualified Engineers, familiar with the requirements of the country. No such information has been received, and I am only able to refer to two or three subjects under this head, which have been the subjects of my personal attention.

*The First*, a system of railways connecting the extremes of the valley portion of the State and the larger cities which are the points of distribution of population and commerce. The only road now in operation, is the one from Sacramento to Folsom, but others are in contemplation between Sacramento, Benicia, and Marysville, Stockton and Oakland. No State affords greater facilities for internal railway communication than California, and the enterprise of her citizens will soon comply with the demands of traffic and travel for a speedy and safe transit between her distant extremities. I am not able to give correct details of the railways in operation and projection, beyond those contained in the appendix, and the reports of Engineers to which reference is made, no suggestions for any State action being now deemed necessary.

*The Second*, is the means of supplying the amount of water so greatly needed by both the mining and agricultural districts. In the agricultural sections, the digging of artesian wells has been resorted to upon the wide and arid plains with abundant success in some counties, while in others, the wells have proved

a total failure. These failures, however, would seem to arise more from the want of sufficient depth. In many cases the supply at first obtained, appeared amply sufficient, but, after a few months, became exhausted, evidently having had but a temporary reservoir for a head. Careful geological examination, has as yet failed to determine the cause. In the mining region, the digging of these wells has not yet been properly tested, and its practicability is much doubted. My own conviction is, that the creation of large tanks or reservoirs, in which to collect the vast amount of water which is obtained in the wet season from the rains and the melting snows of spring, is required for the mines and the farms. This system is the one adopted in India and Syria. Around all of the arable and cultivated valleys, are hills in whose bosom lie hollows and lakelets whose waters can be easily retained in the summer. In the Sierra Nevada, from one end to the other, is a system of lakes and springs out of which the heads of the various rivers flow. The many hollows of the mountains collect vast amounts of snow, which, when melted, pour over the sides of the ridges and flowing down the swollen streams are soon lost forever. These hollows and lakes could be dammed up, and the water therein, conducted from one to the other, descending in scale to the valleys and mining gulches, making a set of reservoirs sufficient to supply the wants of a larger population than California now has. The experiment has been fairly tested in the hot and dry climates of Southern Asia and Northern Africa, and commends itself to the consideration of this State.

*The Third* is the reclamation of the Swamp and Overflowed Lands. The importance of this subject is growing daily in the minds of all reflecting citizens; and as the origin and conduct of a general system of reclamation is now within our power, it is proper that great care should be exercised before the State commits herself to any undertaking for the purpose. Nothing is more necessary to this end than a correct conception of the geological formation and peculiar topography of that portion of the State immediately affected by the overflow. No one, who has given care to the investigation of the subject can doubt, that the whole of the valley watered by the Sacramento and San Joaquin rivers was submerged at some remote period of the world's history, and that the delta at their mouths, and the vast body of swamp lands on either side of their present channels, were formed by accretions of matter swept down from the more primitive formations above and deposited below. This is proved by the substances, both animal and vegetable, which have been discovered at various depths below the present surface, and the deposits brought up from the artesian wells. The natural action of the waters, by bringing down the heavier particles and gradually depositing them on the edge of the current, has created the natural levees on these streams, increasing at every overflow, until now the land on the bank of the river is higher than that at right angles back. This process will be continued by nature, if not interfered with, until in process of time the overflows, in obedience to the laws of alluvion formation, will have diffused the earth held in solution in the rivers over the whole back country. This is the case on the Mississippi, the Nile, the Po, the Ganges, and other rivers. In the basin formed by the natural levee of the streams and the high grounds to the rear, lie these vast bodies of swamp lands. The original body of water contained in them is constantly fed by the annual overflows, the back water of the sloughs connecting with the rivers, the fresh water streams which flow into the tules, and the constant absorption through the porous soil. As the present natural levees retain the water of the swamps from outflow, it would seem a natural conclusion that by unequally hastening the natural process of deposit and elevation of the surface by the building of levees on the immediate bank only, we would effectually cut off the outpourings of the redundant waters in the rear, and create a dismal swamp replete with pestilence and evil. This error was discovered all



too late in Louisiana, and the entire profession of Engineers has been long and actively engaged in devising some system for mitigating the evil. It may not be safe, or is it suggested, to reject the dyking system entirely, for some points may be lower than the general level, (as is the case particularly in the San Joaquin valley,) and there slight levees are useful; but it is in general a hazardous and dangerous plan. If, then, such a system is to be rejected in planning the improvement of the swamp lands, it will be necessary to relieve the water pressure by other and increased outlets; for if, as it is shown, the genius of all alluvion streams produces an overflow of their banks, it follows that all the natural outlets of the rivers, and even more, must be opened.

If such a plan were adopted, then comes the important query, where shall these outlets to relieve the superabundant water of the rivers be made? This requires careful consideration and examination of the country before any settled conclusion should be arrived at. Without dilating too much at present on this branch of the subject, although its importance demands a carefully digested and elaborate essay, I would advise that on the San Joaquin river, the heads of the sloughs be dammed up and slight levees be constructed on the main channels.

The San Joaquin has a number of large channels which are able to carry off the overflow if the slough heads are stopped and the back waters conducted immediately into the Bay. In the Sacramento valley, the Feathers, Yubas and Upper Sacramento bring the great body of water from the upper country, which being concentrated at the mouth of the Feather and there finding the channel of the Sacramento unable to carry them off, overflows its banks and spreads down the side of the river to Suisun Bay. I would propose to cut a canal from the Sycamore Slough down the edge of the overflowed land to the Bay, running, as the line of such a canal would, along a natural channel for a stream at the edge of the upland. This would relieve the pressure of the water on the main channel of the river and draw off the standing water of the tules and the outflow of the Cache and Puta creeks.

A system of reclamation similar to the one proposed, or in fact any other, should not be left to individuals or counties, but be general for the whole State where required and under the care of a State officer.

Now is the proper time for a determination of the State policy in regard to this matter, and when a proper system is once adopted, all direct legislation thereupon should be in accordance with it.

If further information is required by your Excellency or the Legislature as to the ways and means of accomplishing such a measure, I will prepare a paper at length on the subject.

## VIII. GEOLOGY OF THE STATE.

1. The attention of the Legislature having been directed to the propriety of obtaining a correct knowledge of the geology of the State, with such information as would tend to the development of her vast sources of wealth in minerals, the law authorizing the surveys of Dr. Trask was passed, and his valuable reports thereon submitted to the Legislature.

The daily recurring discoveries of new fields of labor in the mining region, the necessity of obtaining permanent supplies of water, and the modifications in the manner of working the mines required by new developments in the geological character of the country, all to my mind, call for a continuance of the work of the geological survey. The labors of the geologist have, heretofore, been necessarily confined to the examination in general of the structure of the different districts, whether mining or agricultural; little opportunity in time or means being afforded for detailed observation. Besides, the work of a mining engineer, so inseparably

connected with a complete geological survey, in its suggestions for the economy of labor, the saving of valuable material now wasting for want of correct information as to its use, the devising of correct plans for carrying on mining operations in certain localities, the digging of wells for the supply of water, and the character of soils adapted to particular uses, requires the continuance to completion of so important an undertaking. In no State of the Union is this action so imperatively demanded as in California. Had she the mining journals, the mining stock associations, the geological correspondence and explorations of other lands, the importance of her mineral resources, and the inducements they offer to the investment of capital and permanence of population, would be increased a thousand fold, and her influence be felt where now it is but barely acknowledged. The taking of additional steps in this matter, I most earnestly recommend. The office of the State Geologist should have connection with that of the Surveyor-General, and the reports, specimens of metals, minerals and plants, diagrams, observations, &c., of the geological surveys should be on file in this office.

2. The specimens for a State Cabinet, collected by Dr. Trask, were in part received by Dr. Bates out of the cellars of the Capitol from the Secretary of State, and placed in a cabinet. During the past year I obtained this cabinet and the specimens from Dr. Bates, for arrangement, and they are now in the possession of this office.

While upon several tours taken during the last summer into the mining and agricultural regions, and across the Sierra Nevada, I made examinations of the geology of the country, and obtained a number of specimens for the State Cabinet, which I have added to those obtained from Dr. Trask, and reported by him; a list of which is hereto appended.

- 1 Gold in quartz, Nevada.
- 2 Gold in arsenical pyrites, Nevada.
- 3 Carbonate of Copper, Oregon Creek, Sierra county.
- 4 Lignite, " " "
- 5 Silicified Wood, " " "
- 6 Porphyritic Conglomerate, North Yuba, "
- 7 Greenstone, " " "
- 8 Granite, " " "
- 9 Basaltic Conglomerate, Truckee River.
- 10 Porphyritic " " "
- 11 Semi Opal, and (12) Agate, " "
- 13 Hematitic Iron Ore, " "
- 14 Specular Iron Ore, " "
- 15 Basaltic and (16) Feldspathic Lava, Pyramid Lake.
- 17 Volcanic Tufa, and (18) Scoriæ, "
- 19 Breccia, "
- 20 Dolomite, "
- 21 Fluorspar, 22, Feldspar, and (23) Tabularspar, Pyramid Lake.
- 24 Infusorial Clay, Mud Lakes.
- 25 Talcose Slate, North Fork, Mokelumne River.
- 26 Auriferous Quartz, West Point, Calaveras county.
- 27 Cellular " " "
- 28 Quartz Talc and Gold, " "
- 29 Talcose Slate and Gold, " "
- 30 Auriferous Pyrites, " "
- 31 Graphitic Slate, Calaveras River, "
- 32 Arsenical Pyrites, " "



- 33 Granite, and (34) Green Stone, Stanislaus River, Calaveras county.  
 35 Sienite, Stanislaus River, Calaveras county.  
 36 Agate, " "  
 37 Chlorite, " "  
 38 Vitreous Copper Ore, Hope Valley.  
 39 Carbonate, and (40) Sulphuret of Copper, Hope Valley.  
 41 Copper crystalizations, "  
 42 Fossil Wood, and (43) Fern Impressions, Cave city, Calaveras county.  
 44 Stalactites, and (45) Stalagmites, " "  
 46 Calcareous tufa, " "  
 47 Compact Limestone, " "  
 48 Crystalized Calcareous Spar, " "  
 49 Greenstone, and (50) Granite, Beard's Mills, El Dorado county.  
 51 Auriferous Quartz, " "  
 52 Crystalized Quartz, " "  
 53 Quartz Talc and Gold, Folsom, Sacramento county.  
 54 Native Sulphur, Geysers. Sonoma county.  
 55 Ammoniacal deposit on leaves, Geysers, Sonoma county.  
 56 Magnesia, " "  
 57 Peroxide, and (58) Protoxide of Iron, Sonoma, Sonoma county.  
 59 Infusorial Clay, Vallejo, Sonoma county.

## IX. STATISTICS.

1. As required by the Act "concerning the office of Surveyor General," I issued a circular to the County Surveyors, and one to the County Assessors, calling upon them to report to this office upon the various points of information required by the law, and also issued a circular to the Boards of Supervisors of each county, enclosing copies of the other circulars, directing their attention to the requisitions therein contained and calling for their co-operation. These will be found in the Appendix. There have been received at this office, for the year 1856, reports from

J. W. Scott,	County Surveyor of Butte.
C. D. Semple,	" of Colusi.
Daniel Small,	" of Contra Costa.
W. W. Bourland,	" of Fresno.
Joseph Seely,	" of Humboldt.
Henry Hancock,	" of Los Angeles.
Alfred D. Eastkoot,	" of Marin.
Erastus Kelsey,	" of Merced.
Thomas W. Long,	" of Mariposa.
John Day,	" of Nevada.
Nathaniel L. Squibb,	" of Napa.
Thomas A. Young,	" of Placer.
James H. Whitlock,	" of Plumas.
Edwin A. Sherman,	" of Sacramento.
Irvin M. Stoddard,	" of San Bernardino.
R. W. Groom,	" of San Diego.
J. J. Gardiner,	" of San Francisco.
George E. Drew,	" of San Joaquin.
Wm. Magee,	" of Shasta.
O. S. Dodson,	" of Sierra.

## AGRICULTURAL PRODUCTS.

County	Wheat.		Barley.		Oats.		Rye.		Buckwheat.		Corn.		Onions.		Potatoes.		Beans.		Peas.		Sweet Potatoes.		Tobacco.		Tons of Hay.	Pounds Butter.	Pounds Cheese.	Pounds Wool.	No. acres Broom Corn.		
	Acres	Bushels	Acres	Bushels	Acres	Bushels	Acres	Bushels	Acres	Bushels	Acres	Bushels	Acres	Bushels	Acres	Bushels	Acres	Bushels	Acres	Bushels	Acres	Bushels	Acres	Pounds.							
Alameda	56,109	22,054	162,134	20,000	918,000	5,210	45	2,385	105	7,350	265	10,072	73		3,108	217,506	3,657		175						2,600	120,235	163,013	27,984	39		
Alameda	5,649	800	28,000	1,514	52,000	442					100		10		200															45	
Alameda	12,466	5,466		6,443		150																									
Calaveras											67				9																
Colusa	10,165	5,320	122,560	1,408	114,662	323									241		482														
Contra Costa	12,657	8,611	301,385	2,265	135,900	548									12	4,600															
El Dorado	12,000	960	17,280	1,200	27,600	1,320																									
Fresno											15				500	20,000	50		275	8,250					5,000	80,000	2,000				
Humboldt	1,000	1,000	35,000	500	15,000	950																									
Klamath						59					4,024						70													45	
Los Angeles		442		3,532			18	625	27	980	19	440	13	9,100	353	23,578	118	2,622	24	440					500	63,000	13,500				
Marin	2,995	648	21,384	1,091	13,450	684																									
Mariposa						300					200																				
Merced	10,500	3,100		6,500		250					80				850		650														
Monterey	5,400	1,200		2,200		250																									
Napa						500																									
Nevada	10,000	1,500		2,000		500																									
Placer	5,844		60,770		50,700	1,100					50															1,310					
Plumas	2,500	1,850	24,500		100	10,500									200	20,000															
Sacramento	17,772	6,991	132,420	7,917	210,500	724	15	150			160	9,900	2,750	115	10,650							1,181			9,660	68,450	29,815	21,000			
San Bernardino			30,000		15,000	724					20,000																18,000	3,000			
San Diego			5,000		8,000						2,000					1,000		200		200		1,000		1,000	500						
San Francisco																															
San Joaquin	38,426	12,000	217,120	21,760	135,200	2,938	52	1,450	7	925	235	6,750	41	16,400	489	96,150	64	2,876	156	3,120	57	17,100			11,047	27,817	11,875	22,470			
San Luis Obispo			10,800		8,000						500					500		3,000							100					5,000	
San Mateo																															
Santa Barbara																															
Santa Clara	20,000	15,000	180,000	2,400	48,000	1,000	10,000	1,000	12	210	100	1,200	60	7,800	200	10,000	200														
Santa Cruz	18,229	4,112		4,383		1,161			400		108		18		2,018		3,070		50				2				6,550	2,000			15
Shasta	7,748	2,429	63,618	2,752	70,770	884					211	7,004		4,413	324	29,900		1,200		1,002						2,795					
Sierra	125	4																													
Siskiyou	13,204	7,495	100,000	1,300	39,270	2,648	20	600	50	1,000	175		125	6,250	187	18,700	40		25							1,500					
Solano			11,353		127,067							15,000															13,800			100,000	
Stanislaus	25,000	6,420	171,000	2,188	65,640	4,657	36		144	6,060	2,126	85,040			1,800	72,000	540	6,480	572	11,440									15,000		
Sutter		1,606	10,600	2,790	33,480	1,355					54																1,000				
Tahoe	8,679	2,851	48,452	4,860	91,818	2,903		2,741	96	287	2,547	66	3,382	198	8,100	21	262	18	199	4	1,000	1			4,094	68,291	20,910	12,028	33		
Tulare	11,173	8,000	212,000	5,000	150,000						300																3,400				75
Trinity	3,154	947	18,500	1,100	3,880	520		11,122		131			43	6,325	530	150,150	204	512	11	362						1,227					
Tulare	2,000																														
Tulare	9,800		18,400		81,262			16,201				4,133		5,671		32,800		920		1,140						3,116					
Yuba	8,144	13,300	226,000	11,200	50,000	100		2,200			60				200	10,600						100	13,300							45,500	
Yuba	19,000	3,040	60,380	6,510	111,100	162		9,000			80	480															2,575				

\*Oats and Barley.



## LIVE STOCK.

## IMPROVEMENTS.

COUNTIES.	LIVE STOCK.														Flour Mills.				Saw Mills.			Mining Ditches.			Bridges.	Ferries.			
	Horses.	Mules.	Asses.	Stock Cattle.	Cows.	Calves.	Neat Cattle.	Oxen.	Sheep.	Goats.	Hogs.	Chickens.	Turkeys.	Ducks.	Geese.	Steam Power.	Water Power.	Total.	Run of Stone.	Steam Power.	Water Power.	Total.	Quartz Mills.	Number.			Length in miles.	Value in Dollars.	
Alameda, -	4,734	1,467	63	13,325	4,223	3,638		753	9,328	410	2,613	18,250	728	313	110	1	12	4	16	1	1								
Alameda, -	735	200	55		1,083		400	380	3,500	110	3,600									9	7	16	16	31	460	600,000	1	2	
Alameda, -	*2,986		115		19,380				17,095		7,063	30,000								6	10	16			130				
Alameda, -	1,910	358		11,005	2,900	1,445	3,283	402	4,562		10,575	9,016	123																
Alameda, -	4,195	173	3	21,771					6,912		4,932									3		3							
Alameda, -	1,365	538	120		1,375	837	2,000	1,624	330		6,000									19	14	33	14		1020	532,000	28	1	
Alameda, -	1,400	260	150	14,680	3,470	2,560		500	1,000	50	4,000									1									
Alameda, -	500	450		1,500	850	830		424			3,000									9									
Alameda, -																													
Alameda, -	11,220	361	24	69,438	263			883	20,180	300	1,000																		
Alameda, -	2,000	74		12,967	2,411	2,032		662	3,225	27	824	3,402								3		3							
Alameda, -							2,525	341	7,467	27	2,067																		
Alameda, -	1,473			18,860				582	25,405	108	2,104																		
Alameda, -	3,939	93		33,315	2,369																								
Alameda, -																													
Alameda, -																													
Alameda, -	1,052	468		790	1,554	610	3,899	456	1,388		5,543	3,500	263	82						5	7	48	5			650,040	11		
Alameda, -	150	540	75		550		500	250			950																		
Alameda, -	5,639	802	4	7,170	9,236	1,137		1,278	9,748		8,852	30,614	1,413																
Alameda, -	1,558	219	3	13,510	2,381			230	3,917	165	437																		
Alameda, -	4,252	427	300	30,383					3,596		558																		
Alameda, -	2,500				3,000																								
Alameda, -	3,437	2,345	73		4,549	3,246	12,607	2,343	11,235	536	0,973																		
Alameda, -	2,100	100		26,000					3,500		700																		
Alameda, -																													
Alameda, -	4,200	530	4	16,425	4,300	8,000		850	14,000	300	5,000									3	9	12							
Alameda, -	1,364	95		6,773					1,632		2,388	4,776	88	40	25														
Alameda, -	782	859	11		1,357	1,111	736	930	118		4,172																		
Alameda, -	55	397	4	197							151																		
Alameda, -	3,478	2,320	157	7,434	4,320	3,200		7,280	1,000	81	2,500	9,500																	
Alameda, -	3,689	400		1,200	3,900		3,700		15,113	500	7,000																		
Alameda, -	5,590	294	4	14,892	9,460	5,500		2,652	10,814	73	16,886																		
Alameda, -	2,320	184		10,882	981	802			3,482	205	976																		
Alameda, -	1,723	1,005	56	5,878	5,621	3,630	3,083	771	5,536	107	7,078	10,171	288	22	14														
Alameda, -	*1,095			11,128					3,410		5,242																		
Alameda, -	239	1,202	51		439	258		458	407	31	1,145	9,576	6	6															
Alameda, -																													
Alameda, -	1,193	716	31		1,509		908	1,024	209		6,114																		
Alameda, -	*2,937			19,000					13,760		13,030																		
Alameda, -	1,089	961		6,818					5,877		3,400																		

\*Horses and Mules.

Horse and Beef Cattle. Sheep and Goats.





4.—TABLE OF STATISTICS, Compiled from the Official Reports of County Surveyors and County Assessors, for the Year A. D. 1856, returned to the Survey-General.

## HORTICULTURAL PRODUCTS.—NO. OF TREES.

[illegible]



Ed. M. Stevens, County Surveyor of Siskiyou.	
Phil. E. Drescher,       “	of Sutter.
A. H. Stout,               “	of Tehama.
Wm. Minis,               “	of Yolo.

The above, except those from Los Angeles and San Diego, which contain no statistical returns, will be found in the Appendix.

The Reports from the County Surveyors are more in number than ever heretofore has been the case, yet many were not received until a very late date and after several duplicate circulars had been issued. The Surveyors deserve much credit for the value and character of their Reports, inasmuch as they do not receive one dollar for this service, and are the most poorly paid class of public officers in the State. I might particularly commend many of the Reports, but only call attention to the suggestions contained in the Reports from Placer, Sacramento and Sierra, upon County Roads; from Placer, on the Eastern Boundary of the State; from Sacramento, on Swamp Lands; from Placer and Plumas, on the Immigrant Wagon Road; and from Tehama, upon the Improvement of the Sacramento river.

I would recommend that the laws be so amended that offices shall be furnished by the counties to the Surveyors, and the power be given them to administer oaths and take affidavits, when necessary for the performance of their official duties.

I would also ask, in their name, that a more judicious system of fees be adopted, by which their services would meet with a proper compensation. They should have the entire charge of County Roads and Public Improvements, or else be salaried and required to pay the fees charged into the County Treasury. At present, it is difficult for an Engineer of ability to earn a decent livelihood at the miserable pittance which the present fees afford to a County Surveyor for duties deserving a just and liberal recompense.

## 2. There have been received Reports for the year 1856 from:

C. B. Breyfogle, County Assessor of	Alameda.
H. A. Eichelberger,	do
Lansing Tooker, Deputy	do
N. W. Dunn,	do
Obed F. Alley,	do
H. W. Merritt,	do
D. D. Williams, Deputy	do
James H. Coleman, do	do
John C. Dodd,	do
James W. Robertson,	do
John R. Porter,	do
John McCoy,	do
A. S. Smith,	do
E. Sterling,	do
J. Foote Turner,	do
Jas. W. Rollins,	do
A. B. Smith,	do
T. S. Stout,	do
Fredk. Hillard, Deputy	do
J. C. Bland,	do
Thomas M. Davis,	do
	Amador.
	Butte.
	Colusi.
	Contra Costa.
	El Dorado.
	Humboldt.
	Los Angeles.
	Marin.
	Merced.
	Monterey.
	Nevada.
	Placer.
	Plumas.
	Sacramento
	San Bernardino.
	San Diego.
	San Joaquin.
	San Luis Obispo.
	Santa Clara.
	Santa Cruz,

James C. Hayburn,	County Assessor of	Shasta.
A. J. McKinsey,	do	Sierra.
J. W. Thomas,	do	Siskiyou.
J. S. Jameson,	do	Solano.
Wm. G. Lee,	do	Sonoma.
E. B. Beard,	do	Stanislaus.
D. H. Apperson.	do	Sutter.
Charles E. Fisher,	do	Tehama.
D. W. Potter,	do	Trinity.
E. G. Sayle,	do.	Tulare.
James P. Clough,	do	Tuolumne.
F. M. Davenport,	do	Yolo.
J. L. Cox,	do	Yuba.

Returns from every county in the State have been received, either from the Surveyor or Assessor, or both, except from Calaveras, Klamath, San Mateo, and Santa Barbara. This is a more perfect return than has ever before been furnished, and its valuable information and public utility will be recognized by the slightest examination of the reports themselves in the appendix, or the statistical table and notes accompanying this report, which have been compiled with much care and labor.

### 3. REPORTS FROM OTHER SOURCES.

I am indebted to Mr. Alex. S. Taylor of Monterey, for the contribution upon the whale fisheries of Monterey.

I had received from Mr. Ernest Seyd, of San Francisco, some notes upon the native California silkworm, the *saturnia ceanothi*, and several specimens of spun silk of a superior quality from it. I was also promised a paper upon this interesting subject, but that not having been received, I can only call attention to this newly developed source of industry and wealth in our State, and recommend it to the fostering care of the government whenever a call may be made in its behalf.

Communications containing valuable information concerning the Immigrant Wagon Road and the Mountain Passes have been received from G. H. Goddard, C. E., on the Gibsonville Ridge, Mr. A. P. Chapman, of Downieville, on the Sierra Valley passes, and Mr. David Shepherd, of Murphy's, on the Calaveras route, which last I have incorporated in my own remarks.

A valuable set of tables of meteorological observations made by Dr. Gibbons, of San Francisco, has been received with the Report of J. J. Gardiner, County Surveyor of San Francisco.

All these will be found in the Appendix, and are deserving particular attention.

## 5.—RECAPITULATION.

Agricultural Products, Live Stock, Improvements, &c., &c.	TOTAL.	Number of Counties.
Acres cultivated,	383,501 $\frac{1}{2}$	28
Acres of Wheat,	138,080 $\frac{1}{2}$	26
Bushels “	2,897,036	26
Acres of Barley,	128,004	25
Bushels “	3,216,567	25
Acres of Oats,	27,678 $\frac{1}{2}$	25
Bushels “	846,566	20
Acres of Rye	266	7
Bushels “	6,516	6
Acres of Buckwheat,	1,083	8
Bushels “	17,251	7
Acres of Corn,	9,147 $\frac{1}{8}$	22
Bushels “	165,066	14
Acres of Onions,	449 $\frac{1}{2}$	9
Bushels “	54,310	9
Acres of Potatoes,	11,834 $\frac{1}{2}$	19
Bushels “	764,903	17
Acres of Beans,	9,582 $\frac{1}{2}$	13
Bushels “	18,072 $\frac{1}{2}$	9
Acres of Peas,	1,309 $\frac{1}{2}$	9
Bushels “	26,153 $\frac{1}{2}$	9
Acres of Sweet Potatoes,	161	3
Bushels “	33,614	5
Acres of Tobacco,	3	2
Pounds “	1,000	1
Tons of Hay,	69,947 $\frac{1}{2}$	19
Pounds of Butter,	452,173	8
do Cheese,	246,113	8
do Wool,	248,982	8
Acres Broom Corn,	252	6
Number of Horses,	88,805	34
do Mules,	17,328	29
do Asses,	1,343	20
do Stock Cattle,	381,041	25
do Cows,	89,807	25
do Calves,	42,956	17
do Neat Cattle,	33,641	11
do Oxen,	25,073	22
do Sheep,	199,346	30
do Goats,	3,030	16
do Hogs,	146,873	33
do Chickens,	128,805	10
do Turkeys,	2,909	7
do Ducks,	463	5
do Geese,	154	4
Number of Apple Trees,	264,371	19



Number of Peach Trees,	576,652	18
do Plum,	16,431	12
do Cherry,	14,413	12
do Pear,	26,146	16
do Grape Vines,	1,311,356	19
do Pine Apple,	87	1
do Strawberry,	17,122	2
do Currant,	23,520	7
do Gooseberry,	2,112	4
do Raspberry,	1,090	2
do Nectarines,	1,367	4
do Quince Trees,	4,278	9
do Almond,	349	9
do Apricot,	11,044	10
do Fig,	3,981	11
do Aloes,	9	1
do Citron,	12	1
do Lemon,	60	1
do Orange,	4,351	1
do Olive,	570	2
do Pomegranate,	1,354	1
do Walnut,	960	2
do Prune,	12	1
do Persimmon,	6	1
do Chinamoya,	14	1
do Pecan,	3	1
do Filbert,	4	1
do Fruit trees, kind not specified,	} 160,540	6
do Steam Flour Mills,		12
do Water do,	26	10
Total,	76	23
Run of Stone,	87	12
Steam Saw Mills,	99	17
Water "	101	12
Total "	323	22
Quartz Mills,	58	12
No. of Mining Ditches,	316	8
Length in Miles,	3,210	12
Value of same,	\$5,248,490	10
No. of Bridges,	93	11
No. of Ferries,	90	13
Total Fruit Trees,	1,087,014	
Total Grape Vines,	1,311,356	
Total Smaller Fruit,	43,844	

## 6. STATISTICAL NOTES.

## ALAMEDA COUNTY.

Beets, turnips and other garden vegetables, 568 acres ; strawberries, 38 acres ; apple orchards, 426 acres ; peach orchards, 173 acres ; vineyards, 34 acres ; 40 miles of telegraph in operation ; several Artesian wells, 178 to 600 feet deep.

## AMADOR COUNTY.

35,865 acres of land claimed for agricultural purposes, of which amount 5,649 are under *actual* cultivation ; 228 acres of vegetables, embracing every variety produced in the State ; 1 iron foundry ; 2 tanneries ; 4 breweries ; 3 soda factories ; 1 broom factory ; valuation of taxable property \$1,828,792 ; taxes thereon \$24,140 10.

## BUTTE COUNTY.

Osage orange, 15,000 acres ; cabbage, 50 acres ; 260 wagons and carts ; 34 carriages and buggies ; several quartz mills ; assessed property \$2,315,928.

## COLUSA COUNTY.

10,165 acres of land under cultivation ; average number of bushels of wheat raised per acre, 23 ; average of barley, 26 bushels per acre ; 25 acres of melons, &c. ; 4½ acres of grape vines ; 2 steam grist and saw mills, 2 run of burrs each ; cost \$12,000 each ; can turn out 100 barrels of flour every 24 hours.

## CONTRA COSTA COUNTY.

Area, 175,000 acres ; 12,657 acres under cultivation ; 200 acres of vegetables ; 170 acres of nurseries ; 140 acres of vineyards ; 17 bridges, at an average cost of \$300 each ; 1 ferry company, capital \$50,000 ; 3 steam saw mills, capital \$10,000 ; 1 steam flouring mill, capital \$8,000.

## EL DORADO COUNTY.

12,000 acres of land inclosed for agricultural purposes ; value of animals slaughtered, \$450,000 ; value of poultry, \$7,000 ; 19 steam saw mills, cost \$108,800, present value \$44,550 ; 14 water saw mills, cost \$41,900, present value \$28,200 ; lumber sawed per month, 3,500,000 feet, worth from \$15 to \$28 per M ; 8 water and 6 steam power quartz mills, cost \$90,000, present value \$30,300, crushing 98 tons per day, yielding from \$12 to \$80 per ton ; expense of working, \$10 to \$15 per ton ; 9 lime kilns ; 2 marble quarries ; 3 tanneries ; 10 brick kilns ; 6 breweries ; 5 soda water factories ; between 300 and 400 tons of ice raised this year ; 25 miles of turnpike connected with and 6½ miles not connected with toll bridges ; 20 toll bridges, cost \$125,000, present value \$96,500 ; 8 toll bridges, one-half in Sacramento and Placer Counties. A very rich copper and silver mine discovered this year, in Hope Valley, near the eastern boundary of the county.

## FREZNO COUNTY.

2 vineyards; 1 artesian well; animals slaughtered, 1,872; value of poultry per dozen, \$6; eggs, \$1; value of barley, wheat and oats, per lb, 6 cents; of Indian corn, 10 cents; of vegetables, 4 to 10 cents; value of hay per ton, \$50.

## HUMBOLDT COUNTY.

Area, 300 square miles; 20,000 acres settled by pre-emption and otherwise; 10,000 acres under cultivation; swamp and overflowed lands purchased from the State, about 2,000 acres.

## LOS ANGELES COUNTY.

Acres of land assessed, 1,003,930, excluding lands for which the occupants have no government titles as yet; value of same, \$589,801; value of improvements thereon, \$687,870; value of personal property, \$1,213,079; number of persons subject to military duty, 900; 1 artesian well, 800 feet deep, but no water as yet.

## MARIN COUNTY.

Area, 700 square miles; 30,000 acres of land under cultivation; very little swamp lands, but several thousand acres of "salt marsh;" Indian corn, nearly all destroyed by blackbirds; 1 paper mill, water power—cost, about \$50,000; 3 roads surveyed.

## MERCED COUNTY.

10,900 acres under cultivation; 800 acres of melons and other vegetables; several hundred fruit trees; 3 grist mills; 3 ferries.

## MONTEREY COUNTY.

768,991 acres of land assessed; 5,450 acres under cultivation; 250,000 acres susceptible of cultivation; taxable property, \$1,800,182; vehicles, 183, vegetables, 1,070 acres; 2 apple and pear orchards, value \$11,500; tropical fruits in great variety; 1 vineyard, containing 6000 grape vines; granite shipped to San Francisco, value \$125,000; 2,500 cords of pine wood shipped to San Francisco, value \$27,000.

## MARIPOSA COUNTY.

800 apple and peach trees; 1,000 grape vines; 250 tons hay; eggs, \$1 per dozen.

## NEVADA COUNTY.

35,000 acres of land pre-empted, 6,000 acres under cultivation; gold produced, \$7,000,000; 5 tanneries; 4 steam pumps for draining quartz leads; 48 saw-mills capable of cutting two hundred thousand feet of lumber per month, valued at \$30 per thousand; 2 flouring mills capable of making one hundred barrels of superior

flour per day of 12 hours; assessed valuation of property \$2,518,515, to which will be added a supplementary roll of about \$500,000.

#### PLACER COUNTY.

12,000 acres of land inclosed; 5,844 acres cultivated; assessed value of taxable property, \$2,200,000; 1 lime kiln; 2 quartz mills; 21 saw mills, value \$90,000; saw over 12,000,000 feet of lumber per annum; value, \$2,500,000.

#### PLUMAS COUNTY.

21,940 acres of land claimed, 2,500 acres under cultivation, 50 acres garden vegetables; 2 grist-mills, value \$30,000.

#### SACRAMENTO COUNTY.

Aggregate value of property, \$10,590,653; land cultivated, 6,991 acres; 5,720 bushels turnips; 1,866 bushels carrots; 152,700 pounds cabbage; 15,735 pounds beets; 23,500 dozen eggs; fruit, melons &c., valued at \$19,500; 31,360 animals slaughtered, value \$556,320; 7 steam Grist mills, capital invested \$86,000; value of products \$1,111,500; cost of grain, grinding &c. \$1,035,250, nett income, \$76,250; 2 iron foundries; 7 breweries; 7 soda factories; 79 carriage factories; 1 pick factory,—brick kilns and yards; 3 broom factories; 2 potteries; 2 soap and candle factories; 5 sash and blind factories; 2 stone and marble yards; 1 Gas works; 200 men employed in fishing; 2 telegraph lines, 44 miles in length; 1 railroad, 22 miles in length, cost of construction and running stock, \$1,100,000, average receipts per day \$475, cost of running per day \$200, nett profit per day \$275 or \$100.375 per annum; amount of gold produced \$2,010,000, cost of working, water &c. \$362,400; nett proceeds for labor \$1,647,600, 345,000 days work done per annum, making an average of \$4.77 for each day's work.

#### SAN BERNARDINO COUNTY.

10 ranchos; 1 distillery, cost \$3000, and can manufacture 100 gallons of whisky per day; 1 tannery; 1 Artesian well commenced; 14,000 dozen eggs.

#### SAN DIEGO COUNTY.

Area 8,500,000 acres; 20,000 pounds grapes; value of poultry \$2000; coal has been discovered and the mine is now being worked, in a stratum  $4\frac{1}{2}$  feet thick at 86 feet from the surface; the cultivation of cotton and sugar cane has been commenced with every prospect of success.

#### SAN FRANCISCO COUNTY.

Area, 22,040 acres; 7,000 acres capable of cultivation for small grains; 1,000 acres suitable for gardens; 10,000 acres pasture land; 3,000 acres drifting sand; 1,000 acres occupied by the city of San Francisco, and 140 acres of fresh water lakes; 1,500 acres under cultivation.



## SAN JOAQUIN COUNTY.

Tule land, 371,200 acres; tillage land, 554,920 acres; grazing land, 314,600; 15 acres beets; 16 acres carrots; 56 acres parsnips and turnips; cabbage, pumpkins and melons, 154 acres; value of poultry, \$6,971; value of eggs, \$8,230; 4 grist mills—cost of two of these, \$81,000.

## SAN LUIS OBISPO COUNTY.

About 500,000 acres of grazing and tillable land; coal supposed to exist.

## SANTA CLARA COUNTY.

Land enclosed, 60,000 acres; 20,000 acres under cultivation; 249,679 acres of land assessed; value of same, \$1,977,265; value of improvements on same, \$704,380; value of town lots, \$406,369; improvements on same, \$561,975; value of personal property, \$1,794,688; 1,666 persons subject to military duty; 120 artesian wells, varying in depth, from 50 to 450 feet, and in temperature, from 60 to 90 degrees; 2 quicksilver mines; 3 mineral springs; 1 iron foundry.

## SANTA CRUZ COUNTY.

Area, 537,600 acres; acres of land cultivated, 18,229; acres of land taxed, 161,228; value of same, \$441,070; value of improvements, \$232,818; value of personal property, \$495,353; 1 shingle mill, cutting 100,000 shingles per week; 1 quartz mill; annual manufacture of lime, 30,000 barrels.

## SHASTA COUNTY.

Land claimed, 30,515 acres; inclosed, 18,431; under cultivation, 7,748 acres; 2 grist mills, cost \$28,000; 15 saw mills, cost \$70,900; 2 quartz mills, cost \$40,000.

## SIERRA COUNTY.

500 acres cultivated, chiefly growing potatoes; yield of mines, \$6,000,000; cost of goods consumed, \$3,000,000.

## SOLANO COUNTY.

2,500 barrels lime shipped; 75 tons marble; there will be manufactured, this year, 20,000 barrels of flour.

## SISKIYOU COUNTY.

Agricultural land, 75,000 acres; land under fence, 9,096 acres; under cultivation, 13,204 acres; swamp and overflowed lands, 25,000 acres; assessed value of real property, \$1,895,805; of personal property, \$842,140; 5 main water ditches; length, 129 miles; value, \$313,000; also several smaller ditches; aggregate value, about \$25,000; 13 saw-mills, cost \$68,000; 4 grist mills, cost \$90,000; 1 quartz mill cost \$30,000; assorted vegetables, about 830 acres animals slaughtered, 9,850.



## SONOMA AND MENDOCINO COUNTIES.

Land inclosed, 40,000 acres; under cultivation, 25,000 acres; 46 acres rye, for experiment; grows fine and yields well; 5 steam and 2 water power saw-mills; can saw 100,000 feet per day; 5 water-power flouring mills.

## SUTTER COUNTY.

Area, 400,000 acres; 150,000 acres adapted to tillage; 82,000 acres subject to overflow and used for grazing; 50,000 acres, hilly grazing; in cultivation, 9,000 acres; swamp and overflowed lands, 90,000 acres; vegetables, 237 acres; black-berry vines, 40; grapes, 12,000 pounds; value of poultry, \$11,000; of eggs, (38,142 dozen) \$22,885 20; value of animals slaughtered, \$35,400; 15 miles telegraph; 1 artesian well, 250 feet deep.

## TEHAMA COUNTY.

Amount of property in the county, \$1,366,575; 380 tax payers; 30,000 bushels of wheat raised this year on the Indian Reservation; 300 acres of vegetables; one distillery, cost over \$12,000, can manufacture 500 gallons of whisky daily.

## TRINITY COUNTY.

26,921 acres of land pre-empted, 8,213 acres adapted to tillage, 40,617 acres adapted to grazing, 935 acres swamp and overflowed, 176 $\frac{1}{2}$  acres assorted vegetables, 11 acres millet, 88 $\frac{3}{4}$  acres clover and timothy; 4,708 animals slaughtered; value of eggs, \$30,245; 5 expresses; 72,844 ounces gold dust bought yearly; 2 weekly newspapers, 3 schools, 3 churches, 2 theaters, 1 tannery. 4 brick-kilns, 18 varieties of timber; bituminous coal is found; also rhodium, platina, and silver in small quantities.

## TULARE COUNTY.

Productions of this county are barley, wheat and potatoes; live stock, 25,000 head, consisting of horses, mules, cattle and hogs.

## TUOLUMNE COUNTY.

Acres of land claimed, 36,289; inclosed, 20,100 acres; under cultivation, 9,800 acres; assessed value of real estate, \$324,100: improvements, \$1,012,448; personal property, \$1,259,610; value of animals slaughtered, \$248,319; value of melons, \$51,000; value of cabbage, \$48,172; value of poultry, \$6,000; value of eggs, \$2,000; 3 quartz mills, cost \$40,002; 10 mule arastras, cost \$12,000.

## YOLO COUNTY.

150,000 acres of land susceptible of cultivation, about 30,000 acres under cultivation; swamp and overflowed lands 175,000 acres, more or less, part being *at times* valuable for grazing purposes; 100 acres of cabbage; 75 acres of broom corn; value of animals slaughtered \$202,210: 3 steam Grist mills; 5 run of stone.

## YUBA COUNTY.

19,000 acres of land under actual cultivation ; assessed value of taxable property \$5,647,672 ; 7 steam power and 19 water power saw mills, manufacturing 9,160,000 feet of lumber, worth \$164,880 ; 3 Quartz mills, assessed value \$226,000 ; 1 water power and 5 steam power Flouring mills, 16 run of stone, cost \$68,000 and made 52,900 barrels of flour this year ; 108 miles of ditches, assessed value \$226,000 ; 9 toll bridges, value \$58,750 ; 8 ferries, value \$10,700 ; 2 incorporated turnpike companies, 71 miles of road, cost of construction \$35,000 ; 2 assay offices, assayed \$1,610,000 in six months : amount of gold received at banking houses this year \$8,548,000.

## X. CLAIMS.

In appendix will be found the account of Mr. Mock, County Surveyor of Sonoma County, for the survey of the boundary line between Sonoma and Marin Counties, made under my instructions, in accordance with the Act of the Legislature, passed Feb. 23d, 1856, defining said line. The amount is \$754 92, which I recommend to be paid ; the requisitions of the Act and instructions having been complied with.

Also, the accounts of Mr. Geo. H. Goddard, Civil Engineer, for services performed under my predecessor, which have not yet been paid. They are certified to be correct by my predecessor. I have been asked to thus present them for payment ; and can merely say that in my opinion they are a just claim against the State.

The accounts proper of this office are transmitted to the Controller.

Other survey claims are due, but the accounts have not been received. On their arrival I will transmit them at once to the Legislature.

## XI. THE SURVEYOR GENERAL'S OFFICE.

It is required of the Surveyor General, by law, to perform a greater number of multifarious duties than any other officer in the State, and those duties, too, of a character requiring the services of an able and educated engineer. Yet he has been for three years past compelled to attempt the performance of these duties, without adequate means to insure their fulfillment, either by himself in person or through any experienced assistant. His salary of \$2,000 in State scrip, equivalent to \$1,200 in cash, "less than the pay of a page or a porter in the Legislature," and much below what a suitable officer should command for one-fourth the labor, prevents that prompt and efficient performance of duty which every engineer who values his reputation desires to accomplish.

During the past year the contingent fund of this office has been necessarily diverted in part from its true direction, for the payment of rent of office and part of clerk hire. It is necessary to have at least one competent clerk constantly in the office, and I recommend and ask that appropriation be made therefor as for the other offices of the State and for the payment of office rent. If it is expected of the Surveyor General to perform his strict duty in fulfilling the requirements of the various laws affecting his office, a salary and appropriations should be given in a spirit of justice and liberality, sufficient to enable him to do so, else it would be far better for the State and the entire profession of Engineering that the office be at once abolished. I would also recommend that the power of administering oaths and taking affidavits in the course of his official duties be conferred on the Surveyor General and his deputies.

All of which is respectfully submitted.

JOHN A. BREWSTER,  
Surveyor General.





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IN SENATE,]

[EIGHTH SESSION.

# R E P O R T

OF

# SPECIAL COMMITTEE,

TO WHOM WAS REFERRED THE MESSAGE OF THE GOVERNOR APPOINTING GEORGE  
W. RYDER TO THE OFFICE OF GAUGER OF WINES AND LIQUORS, OF THE  
CITY OF SAN FRANCISCO.

APRIL 11<sup>TH</sup>, 1857.

JAMES ALLEN, STATE PRINTER.

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STANDARD ALPHABET

1880-1881

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## REPORT.

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*Mr. President :*

The undersigned, a majority of the Committee to whom was referred the message of the Governor, appointing George W. Ryder to the office of Gauger of Wines and Liquors of the City of San Francisco, have had the same under consideration, and report:

The Committee have taken the testimony of such witnesses as would probably throw any light upon the subject, which is herewith filed for the consideration of the Senate.

Further, That in the opinion of the undersigned, there was no evidence showing any reason why the appointment of Mr. Ryder should not be confirmed.

Finally, That in the opinion of the undersigned, the testimony does not show any official corruption on the part of the Executive.

J. G. McCALLUM,  
S. A. MERRITT,  
C. WESTMORELAND.



## EVIDENCE, ETC., TAKEN BEFORE THE COMMITTEE.

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In the matter of the appointment of George W. Ryder as Gauger of Wines and Liquors at the city of San Francisco, by the Governor of the State of California, before Senate Committee, appointed by resolution adopted in Senate April 4, 1850:

Committee met Monday, April 6, 1857, at 7½, P. M. Present: Messrs. Norman, Coffroth, and Merritt—quorum. Whereupon,

It was ordered by the Committee, that specific charges against the Governor be filed and signed by an elector of the State, before the Committee will proceed farther in this investigation. Committee adjourned, to meet on Tuesday, April 7, 1857, at 7½ o'clock, P. M.

'TUESDAY, April 7, 1857.

Committee met, pursuant to adjournment, at 7½ o'clock, P. M. Present: Messrs. Norman, Coffroth, Westmoreland, McCallum, and Merritt—full Committee.

Ordered, That the order adopted April 6, 1857, by the Committee, be and is hereby rescinded.

Now comes L. B. Mizner, and makes the following statement to the Committee:

First, That he was appointed State Gauger on the 24th May, 1856, by Governor Johnson; that the appointment was promised to him unconditionally.

Second, That afterwards I agreed to allow Governor Johnson to suggest my deputies.

Third, That shortly afterwards, he (the Governor) released him from that promise or agreement.

Fourth, Mr. R. N. Berry presented him a letter in his office, in the city of San Francisco, from the Governor; and at the same time demanded one-half the proceeds of his office, without proposing to render any equivalent service.

*L. B. Mizner* being duly sworn by the Chairman of the Committee, testified as follows:

I was appointed by the Governor Gauger and Inspector of Wines and Liquors for the city of San Francisco, on May 24, 1856, as my commission and the records in the State Department will show. The appointment was promised to me, and to my friends for me, unconditionally. Some few weeks after said promise, I agreed to let Governor Johnson suggest my deputies, on condition that he would suggest competent men. Soon after entering upon the duties of my office, Governor Johnson wrote me a letter, suggesting two persons whom he said were competent to fill the places alluded to. I soon convinced Governor Johnson, that the person first named, R. N. Berry, was totally unfit for the position—partly from incapacity, but principally from his disreputable character. The other person named, E. A. Rigg, (who by the way is a perfect gentleman) was appointed by me, and entered upon the discharge of his duties, but soon after retired, as he was unacquainted with the business of practical gauging, and could procure no suitable assistant. I then appointed the present incumbent, J. Meade Huxley, to all of which, Governor J. frequently assented; except that he objected to the present incumbent on the ground that he was a member of the then local organization, but for no other reason. At about this time, I was released from all my promises to Governor Johnson, in the matter of my appointments; he having directed my friends to notify me, that I could act as I pleased in the premises. Some months after this, I received a letter from Governor Johnson, by the hands of Mr. R. N. Berry, who, (R. N. Berry,) at the same time, much to my astonishment, demanded of me, in the name of Governor Johnson, one-half of the proceeds of my office, without proposing to render any equivalent therefor, which I peremptorily declined. I soon after received another letter from Governor Johnson, inviting me to meet him at Napa Springs, for the purpose of "doing something for Dick," (Berry). I met him (Governor Johnson) there, accordingly, when he insisted upon my allowing Dick Berry one hundred dollars per month out of the proceeds of my office, which I declined. Governor Johnson then asked me to allow \$50 per month, and insisted upon it; saying he was under obligations to Berry of such a character that he must be taken care of. The nature and particulars of the obligation were such, that they could not be explained further than that Berry and his friends had rendered him the most peculiar kind of services, political and otherwise. He said that he had been a good friend of mine, and that I must aid him in return. Protesting all the time against the exaction for the benefit of Berry, I said to the Governor, that if he was under obligations to Berry in any manner, and was unable to discharge them, that I was willing to help him discharge the obligation; but that under no circumstances would I allow Berry to exact money from me. Upon these grounds, I agreed to pay to Mr. Berry the sum of fifty dollars monthly on my own account, and fifty dollars monthly on account of Gov.



Johnson, which latter sum Gov. Johnson agreed to refund to me at any time I might draw on him. Governor Johnson then said, that Berry must have \$500 immediately; to obtain which, he drew up a note for that amount, and asked me to sign it, saying he and Wm. Neely Johnson would endorse it, and that he would give me his individual bond, to pay one-half of it. To accommodate him, I signed the note, supposing, of course, that it would settle and satisfy Berry for five months from that date. The Governor then directed me to take the note to San Francisco, have it discounted, and pay the proceeds to Berry. I was unable to have the note cashed, except at great discount. Berry, however, agreed to take the note as cash, and for the protection of Governor Johnson, I took a receipt from Berry for \$500, in full for his pretended claim for five months, up to March 1, 1857. The \$500 note having been paid over to Berry in October, 1856, I was much surprised when he drew on me for \$100, for his pretended claim for the month of November. I was still more surprised to learn that Gov. Johnson insisted that the \$500 note given was for the five months I had already held the office. At this I rebelled, and wrote Governor Johnson the following hasty letter, the style of which I hope the Committee will excuse, as it was written to one with whom I have been intimately acquainted for seven years.

After all this, Governor Johnson sent for me to call on him at the Oriental Hotel, San Francisco, when he insisted upon my withdrawing the letter aforesaid, and that I must make friends with Berry, and settle with him at the rate of \$100 per month from the date of my appointment, and not from the date of the note, which would make \$500 more than I supposed was demanded of me; all of which I declined, and left his room when Mr. Berry's card was sent up.

I advised with my friends frequently on the subject during the last six months, and they all concurred in the opinion that I ought not to submit to any black mail, but that if I desired to accommodate Gov. Johnson, as a friend, to help him out of any difficulty, or for any other object, there certainly could be no objection to my so doing. I make this last statement to show that this is no new thing, but dates back many months.

On January 26th, 1857, I was notified that Gov. Johnson would send my name into the Senate in about ten days. I came to Sacramento, and was unable to see the Governor for four or five days, and when I did see him, he said he would send in none of his appointments until the last of the session.

I accordingly came to this city on the 28th of March, supposing the session was about to end. I called on the Governor at his office, inquired for him at the State Department, went to his residence twice, and was refused an interview, notwithstanding he was in the house one of the times I called. I wrote him three notes, to the first of which he sent word that he would send to me during the afternoon, [See letters marked F, G and H,] but neglected or refused to do so. I claim to have discharged the duties of the office faithfully, and to the satisfaction of the public.

*In answer to questions by the Committee.*—I don't know of my own knowledge of any obligations Gov. Johnson is under to R. N. Berry. Gov. Johnson never intimated to me, by letter or words, that if I did not comply with Berry's demands, or his, to pay Berry money or profits of my office, as before stated, that the consequence would be my removal from office. I do not know that Gov. Johnson was under any pecuniary obligations to R. N. Berry.

*Cross-examined by Governor Johnson.*—At Napa Springs, when the \$500 note alluded to in my examination-in-chief was given, Gov. Johnson stated to me that Berry was very poor. Do not recollect that Gov. Johnson told me at

that time that R. N. Berry had been expecting an appointment from me for several months. Gov. Johnson desired me not to let Mr. Berry know that he (Gov. Johnson) had contributed any portion of the \$500 note alluded to, as Mr. Berry would not receive anything, if he thought that Gov. Johnson paid any part of it. Gov. Johnson also requested me, in the matter of paying \$100 per month to Berry, to draw on him (Gov. Johnson) for one-half of it, and not to let Berry know that he (Gov. J.) had paid half of it. Gov. Johnson spoke in the warmest terms of the political services which Berry had rendered him, and he also spoke of Berry's family in very kind terms, and of his very intimate acquaintance with Berry's family, and his voluntary promise to Mr. Berry's wife that he (Berry) should have a position. Gov. Johnson spoke of no other reasons than these why he was under obligations to Berry. Gov. Johnson has never asked anything further from me from my office, except in this matter of providing for Berry and the appointment of Riggs, as alluded to.

*Direct examination resumed by the Committee.*—Do not know that George W. Ryder has procured his appointment by any improper means, nor do I believe it. I did not say to Gov. Johnson, at the Oriental Hotel, that I would go to Mr. Berry and retract the charge I made against him (Berry) of an attempt to levy black mail, or withdraw the letter alluded to in my examination-in-chief. Gov. Johnson promised the appointment of the office of State Gauger to me shortly after his election to the office of Governor; I think in the latter part of September. Gov. Johnson never told me, nor gave me to understand, that my failure to pay money or to appoint any one a deputy would be the cause of my removal from office. Gov. Johnson has not, since the appointment of J. Meade Huxley, made any suggestions in regard to the appointment of any person in my office. Mr. Berry was to render me no service for any money whatever that I was to pay him. And further this deponent saith not.

The foregoing deposition was carefully read over to the witness, and by him sworn to and subscribed before the Committee, on this 7th day of April, 1857.

[Attest:]

L. B. MIZNER.

S. A. MERRITT, of the Committee.

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SAN FRANCISCO, November, 1856.

DEAR GOVERNOR:—

I had supposed that our payment of \$500—blackmailed to Berry—would at least let us off for five months. But with the tenacity usually incident to one who is attempting to accomplish a contemptible end, this man Berry has had the impudence to draw on me for \$100, after getting my note for \$500, and then attempting to undermine me with you by writing the malicious letter he did.

My understanding with you was to pay Berry \$100 per month, and draw on you for \$50 of it. As his "things" were in pawn, we advanced \$500, which I thought to be in full settlement for five months, and he so receipted to me.

I want it distinctly understood that the \$500 note was made by me solely to accommodate you, as I would not give Berry a dollar, scarcely to save his life, as I look upon him, as does this community, in the light of a blackguard. I know he has grossly imposed upon you. In the first place he represented himself to you as

having been a strong Law and Order man, when I know of my own knowledge that he was a strong sympathizer with the V. C., for as such I had several arguments with him. Secondly, he cannot be as poor as he represents, for I am credibly informed he has bet from \$200 to \$500 on the election.

I consider Berry as meddling with my affairs. His demand on me in your name for one-half of my office, was in bad faith to you, and insolent to me; and I now regret that I did not kick him down stairs, as I certainly will do if he ever enters my office again with similar demands, or interferes with my affairs in any manner whatever.

Now, my dear sir, I hope you will excuse anything amiss in this letter. I am willing to do anything in my power to aid you, and you can under all circumstances count on me as a faithful friend.

Your release of me from all obligations, was the cause of my making permanent arrangements at a higher figure by \$150 per month than could otherwise have been made. My income from the office now is such that I cannot afford to fool it away.

My respects to your wife.

Yours, truly,

L. B. MIZNER.

P. S.—As this letter most concerns Mr. Berry, I have furnished him with a copy.

MIZNER.

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SACRAMENTO, March 31st, 1857.

DEAR GOVERNOR :

I came up on Saturday in hopes to see you in time to go down on Monday ; I called at your office at the State Department, and at your residence, but was unable to find you. I know how much you must be engaged, and for that reason regret that I have to trouble you ; but would like to have an interview with you at any time (before to-morrow at 2 P. M.,) that may suit your convenience. I think it in my power, in return for your great kindness, to relieve you in some slight degree of one of your many annoyances.

Please take into consideration that my official and family duties require my presence, and grant me a few moments conversation to-day.

Please answer by the bearer, or as soon as possible.

Yours, truly,

L. B. MIZNER.

[NOTE.—Gov. J. sent word by the bearer that he would see me that afternoon—but did not.]

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SACRAMENTO, April 1st, 1857.

HON. J. NEELY JOHNSON :

I have now been in the city three days, and as yet have been unable to see you, notwithstanding your promise (sent by the bearer of my note yesterday) that you would see me some time during the afternoon.



I am at a loss to know why you deny me the privilege of an interview, and shall consider your further silence in the matter as leaving me at liberty to take such steps in the premises, independent of the Executive, as may best subserve my own interests and protect my rights as an officer and a citizen.

Regretting exceedingly that my duty to myself compels me to write you this note,

I have the honor to be,

Respectfully,

L. B. MIZNER.

SACRAMENTO, April 3d, 1857.

SIR :

Your attempts to remove me from office to-day has caused much excitement among my friends, who think that it casts an imputation on my character, and that supposition may be entertained, that I have committed some indiscretion sufficiently great to put me properly under the ban of Executive displeasure.

In view of these facts, and to the end that my friends and the public should know the true cause of your attempts to supersede me, I shall place before the Senate, in connection with my commission, your letters asking aid for Berry, your indorsement for \$500, and your separate bond to me to pay one-half of it, together with a statement of the attempt of you and Berry to obtain one-half of the proceeds of my office; that having failed, the attempt to get \$100 per month, and afterwards \$50 per month.

I conceive this to be necessary for the protection of my own reputation, and I will do it for that purpose only, distinctly disavowing any other object.

I have the honor to be,

Respectfully,

L. B. MIZNER.

HON. J. NEELY JOHNSON.

[COPY.]

\$500 00.

SAN FRANCISCO, California, }  
September 30th, 1856. }

Six months after date I promise to pay Wm. Neely Johnson, or order, Five Hundred Dollars, with  $3\frac{1}{2}$  per month interest, until paid, for value received—interest payable from date.

L. B. MIZNER.

[WM. NEELY JOHNSON and J. NEELY JOHNSON, Indorsers.]

[COPY.]

A note signed by L. B. Mizner, dated San Francisco, 30th September, 1856, for \$500, with  $3\frac{1}{2}$  interest per month from date, until paid, payable to the order

of Wm. Neely Johnson, indorsed by him and myself, due in six months. I agree to pay one-half of principal and interest, for value received.

J. NEELY JOHNSON.

29th September, 1856.

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[COPY.]

Received, San Francisco, Oct. 1st, 1856, of L. B. Mizner, the sum of five hundred dollars, in full, for an allowance of one hundred dollars per month, for the months of October, November and December, 1856, and January and February, 1857.

R. N. BERRY.

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WEDNESDAY, April 8, 1857.

Committee met. Present—Messrs. Norman, Merritt, Westmoreland and Coffroth.

*Geo. W. Ryder*, after being duly sworn, deposes and says :

I was notified by a telegraphic dispatch on the 3d day of April, by Governor Johnson, that he had appointed me Gauger of Wines and Liquors at the port of San Francisco ; at this time I was one of the Board of Port Wardens of said port. In the same telegraphic dispatch, I was notified that Maj. Wyatt was appointed in my place as Port Warden ; I had no conversation with Governor Johnson previous to this time about the appointment, and this dispatch was the first intimation or knowledge I had of the change ; Maj. Wyatt was at this time a clerk in the office of the Board of Port Wardens ; Gov. Johnson never directed me who to appoint as deputies ; there was no understanding between Gov. Johnson and myself that I should pay to any party any sum of money by virtue of this appointment, neither at the time of my notification that I was appointed, nor since that time ; Gov. Johnson never demanded any money or appointment from me, but after I had been Port Warden a few days, Gov. Johnson requested me, if we needed a clerk and Maj. Wyatt was competent—if I could—to have him appointed Clerk of the Board. I acceded to this request, and the Board appointed Maj. Wyatt. The office of Port Warden is worth about \$4,000 per year to each member of the Board. I had a conversation with Gov. Johnson about his reasons for refusing to send in the name of Mr. Mizner to the Senate for confirmation ; he said that they were endeavoring to force him into certain measures or appointments, and he would not be forced by any one ; I have never heard of any complaint against Mr. Mizner as an officer, but always understood that he performed the duties of Gauger energetically and properly ; I never heard of Mr. Mizner's general reputation being impeached ; his reputation was always good ; never heard of any complaint against Mr. Mizner as State Gauger.

G. W. RYDER.

Sworn and subscribed before the Committee, this 8th day of April, 1857.

W. B. NORMAN,  
Chairman.



Annexed, find sworn statement of Gov. J. Neely Johnson, herewith filed and marked K :

*Statement of J. Neely Johnson in reference to the matter now before the Senate Committee, concerning the appointment of Gauger at San Francisco.*

There has been a great deal of matter introduced before the Committee, which I believe wholly immaterial to the present subject of inquiry. I suppose the true object of this investigation is to ascertain whether I have either myself or through other persons, ever attempted to levy blackmail on that office. This seems to be the shape which rumors assumed and induced the inquiry by the appointment of a Committee of the Senate.

To this matter, I shall chiefly address my statement, and with as much brevity as possible:

After I had promised to Mr. Mizner the appointment of Gauger, and before the appointment was made, Mr. Mizner, wholly unsolicited by me, and of his own voluntary will, so far as appeared to me, very generously proffered that I might name the deputies in his office. No qualification or reservation was made by him. The reason assigned by him for this proffer was: "I had a great many friends that I would like to reward, and the offices in my gift of any pecuniary value, were so few that I could not possibly give to men offices, with which I would desire to aid in that way; and as I had to him promised a valuable office, he felt grateful, and would be most happy to bestow in return this mark of appreciation of my kindness to him." In reply, I thanked him, and said: "I may probably, so far as a deputyship is concerned, ask you to make an appointment, and will, at the proper time, signify the person I desire appointed."

Mr. Mizner and his friends were exceedingly anxious that I should appoint him immediately after my inauguration. To this, I replied: I much questioned, in the first place, whether I had the right to remove the then incumbent, (Mr. Hoburg,) and secondly, had promised General Denver that he (Mr. Hoburg) should be retained until the expiration of his term, which would be sometime in May, 1856. The Legislature adjourned on the 21st of April, before the vacancy occurred. Prior to that date, I was urged by Mr. Mizner and some of his friends, particularly Judge Murray, to send in the name of Mr. Mizner for confirmation by the Senate for the anticipated vacancy, to take effect upon the expiration of the term of Mr. Hoburg. This was urged upon by both Mr. Mizner and Judge Murray. I examined the question, and became satisfied, as I informed Mr. Mizner and Judge Murray, that I had no right to make a nomination to the Senate in advance of the vacancy occurring. This conclusion Judge Murray personally, and, I believe, by letter, attempted to convince me was erroneous, but I declined acting in the matter until the vacancy occurred.

The term of Mr. Hoburg expired about the time of the commencement of the Vigilance excitement of last year in San Francisco, and being there for ten or twelve days, I believe Mr. Mizner or Judge Murray, one of them, (which, I don't recollect,) was kind enough to anticipate my wishes by sending down to me a commission prepared for my signature. Whilst there, the commission was executed, and of the date exhibited in it, which I believe was the day I left there on my return to this city. On my return here, by letter, I requested the appointment of Mr. Berry and Captain Riggs to deputyships, which request was wholly and entirely induced by the voluntary proffer of Mr. Mizner before alluded to, and the desire I entertained to reward with an official position gentlemen who were my friends. I believe the appointment of Riggs was made, but Berry's withheld. The

excitement in San Francisco continuing, I gave no attention to the matter for some months. I had, at the time of writing the letter to Mr. Mizner requesting these appointments, assured Mr. Berry of Mr. Mizner's promise to me, and that he would assuredly give him a position in the office. Mr. Berry wrote me once or twice in the early portion of this period complaining that he had not been provided for as was promised. As there were matters of more importance, as I regarded it, both to the people of the State and myself demanding attention, I postponed any inquiry into the subject. Sometime during the course of the summer, I met Mr. Lent, in the company of Judge Murray, at the Supreme Court rooms, and one or both of them, said to me, in substance, that Mizner was compelled to retain in his employment the former deputies (the brothers Huxley) else the office would not pay expenses, and he was deterred from so doing because of the promise he had made to me to appoint such persons as I might designate. I told Mr. Lent to write to Mr. Mizner that I had appointed him to the office, and he was responsible for the manner in which the duties of it were discharged, and to him it was a matter of vital importance to secure the greatest income from it, and I would never have asked him for the appointment of any person if he had not proposed it. As it was, I would cheerfully release him from that promise, and he could make such appointments of deputies as he deemed proper. In this conversation there was also said something about the appointment of Adams as a deputy. I spoke of him with decided disapprobation, and assigned the reason that he had written a letter to my brother proposing to give him one-half of the proceeds of the office if he (my brother) would induce me to appoint him (Adams) to the position.

In September, the early or middle portion, Mr. Berry called on me at my rooms, in relation to this matter, and said he had been awating with the expectation of this appointment, and knowing that I had other and more important matters on my hands, he had not troubled me; that in the meantime, business being in a manner destroyed in San Francisco, by the prevailing excitement, he had become much impoverished. He complained very much of Mizner's treatment. I informed him that I would see Mr. Mizner, (he then being in this city,) and talk to him about it. I did see him, (Mizner) but the dangerous illness of my wife made our interview a short one. I introduced the subject, and said to him: "When my wife gets well enough to be removed, I shall take her either to San Francisco or the Napa Springs, and will endeavor to see you and arrange the matter touching Berry's complainings." Mizner suggested that if I should take my wife to Napa Springs, he would, with his family join us, if I would in advance inform him of the time. In the latter part of the month, in consonance with this understanding, I addressed to him the letter on file, having more reference to the social meeting there, than any specified object with reference to Berry. The state of my wife's health rendered that a matter of but slight moment comparatively, but as I did not think it probable I should be in San Francisco very soon, I wrote my brother to have Berry up there at the same time. The presence of my brother was simply to see my wife. Berry claimed that he was promised a position in the office,—in consequence of which, he had waited in San Francisco, whereas he would probably have made arrangements to have left the city, and sought business elsewhere. That I had assured him Mizner would give him the appointment, but he had awaited patiently, and did not trouble me, on account of the difficulties then existing in San Francisco. He recounted much of the same story of his pecuniary embarrassments, resulting from his waiting on Mizner's action, and suggested that he thought Mizner ought to do something for him; was honorably bound to do so, when these embarrassments had arisen from his withholding a position he had promised for him." With Mizner I talked the matter over, and explained, in detail, the incidents of Berry's misfortunes—his claims on me for some position, in consequence of his

valuable political services, and the kind regard I entertained for his family, all of which in detail, would be prolonged, and a recital of such a character as would simply exhibit the incentives which would actuate one friend to aid another in an honorable and proper mode.

At the request of Mizner I ascertained what Berry thought he ought to receive, which, as he stated to me, was simply a sum sufficient to relieve his wife's jewelry, then in pledge. This was some \$400 or \$500. Mizner said that he had not the money; if he had he would not object to it, as he had no doubt been waiting and expecting an appointment. In this conversation he stated that Berry had told him that I said I had promised to give him a position in the office, which would secure him one-half of its proceeds. I assured Mizner that such statement was not correct. Our conversation was prolonged, and I can only say furthermore that I did urge Mr. Mizner to make him an allowance of \$100 per month for the last preceding five months, and the same amount for the succeeding time, as I regarded him (Mizner) honorably bound to make some return for the disappointment he had occasioned him, whilst ready and willing to enter upon the duties of his office when he knew that the matter of his appointment was not pressed in consequence of the state of affairs which had prevailed in San Francisco. I furthermore state that I did say to Mr. Mizner that it would be a personal favor to me to so arrange the matter for his appointment, but explained to him fully the reason why I requested it as a personal favor—that was, as I had made to Berry this promise of an appointment, which I had predicated on his (Mizner's) voluntary proffer to me, my word of honor was involved; and the release I gave him some months later, did not relieve the fulfillment of the original promise. To all this he assented, and assigned as the only reason why he would not make the allowance was, that pecuniary circumstances were such as would prevent him from advancing any money to Berry; also, as he would be compelled to retain the Huxleys, he could have no employment for Berry, which would justify the payment to him of \$100 per month for his services in the office. I then remarked in this matter: Sir, I have made the promise of a position to a friend founded on your voluntary promise to me. If you can't afford to fulfill that which I regard an honorable obligation on you, and necessarily also on myself, I will pay a portion of it. No man shall have cause ever to say I have wilfully violated my promise to him. I furthermore said to him, if you have not the money, execute a note at such time as you can make payment—I will indorse it and obligate myself to you to pay the one-half thereof at maturity. Also in the matter of Berry's appointment, if you can't afford to pay him the \$100 per month, I'll pay the one-half of that likewise—on the first of each month draw on me for the half of the amount (\$50), and I will pay it from my own pocket. This, Mizner assented to with but little hesitation. That Berry might not know I was paying any portion of this amount, on him (Mizner) I enjoined secrecy of the fact that I was paying one-half to Berry. The note was made—my brother also joined as indorser; I gave Mizner my obligation for the payment of the one-half of the amount, (\$500 and interest,) when it became due. The note was not paid, but on the second day of the present month I was protested as indorser for the entire amount, and am now held, so far as I know and believe, responsible for the payment of the entire amount of the note, now about six hundred dollars; so far as the matter of Berry's employment at one hundred dollars per month is concerned, Mizner subsequently repudiated the promise, consequently, he has never paid Berry anything, nor drawn upon me for any sum toward its payment. I have thus recounted the facts of this dark and mysterious transaction, as it has been surmised by some to have been. The pecuniary obligations I assumed and the negotiations with Mr. Mizner, were predicated on the belief then, and the perfect consciousness now, that Mr. Berry had an honorable claim to the position of a deputy, and its emoluments. Mizner's refusal to fulfill his promise



implicated my word. To aid him (Mizner) in fulfilling this honorable obligation which he said he was unable to do, because of his pecuniary embarrassments, I assumed the payment of the half amount, without any promise, hope or expectation of repayment or of reward, or of pecuniary advantage to myself, only actuated by the desire to have justice done to Mr. Berry, and fulfill the promise I had made. I may also state that Mr. Ryder was appointed without any promise, hope or expectation of reward to me, other than the gratitude which all honorable men feel for the bestowment of such favors.

Mr. Mizner has denied that he, at our meeting at the Oriental Hotel, after the writing of a letter to me concerning Berry, and, as he had it, charging an attempt to levy blackmail, after being assured by me that he was mistaken in ascribing to Berry such motives, promised to retract the charge. I now declare most emphatically that he did so promise, and as I informed him Berry would be at the Sacramento boat, he agreed to meet me there and make the retraction. This retraction he did not make. The law requires me to make the appointment of Gauger, "by and with the consent of Senate." The appointment was made for the contingency which arose, and when requested by the Senate, I sent in names of such nominations as I had to present. The name of Mr. Ryder is before the Senate as my appointee, subject to the action of the Senate. It is my province to appoint whoever I please—that of the Senate to confirm or reject; and unless the person so appointed is guilty of some improper act in connection with it, or unfitted for the position, it is a matter of no concern to the Senate, but purely one personal between Mr. Mizner and myself why I did not instead nominate him for the position. I apprehend,—although it is the province of the Senate, if they so desire, to reject this or any other name I may send them,—that body can scarcely usurp Executive functions, and say who I shall name to them for their consideration.

J. NEELY JOHNSON.

Sworn to and subscribed before the Committee on this 8th of April, A. D. 1857.

S. A. MERRITT,

Of Committee.

*Cross-examination of Gov. Johnson by Mr. L. B. Mizner.*—I have never heard of any complaint against Mr. Mizner, as Gauger, but on the contrary, have heard him complimented. During our acquaintance of seven or eight years, I have never heard of any reason why Mr. Mizner should not hold an office of this character. I appointed Mr. Mizner to the office of Gauger during the recess of the Legislature. I received a resolution from the Secretary of Senate, of which this is a copy:

"SENATE CHAMBER, April 2d, 1857.

*Resolved,* That the Governor be and is hereby requested to send in to the Senate, on or before Saturday next, the names of all such persons appointed to office by him during the recess of the Senate, as by law have to be passed upon by this body."

I did not send in the name of Mr. Mizner to the Senate. I asked Mr. Mizner to give Mr. Berry a portion of his office at a salary of \$100 per month, and if he would do so, I would pay one-half of it out of my own pocket, and

thus I might fulfill my promise to Berry to give him a position. I had previously discharged Mr. Mizner from his promise to allow me to suggest his deputies, as stated in my sworn statement. I have stated in my statement-in-chief, with the reasons therefor, that Mr. Mizner agreed at Napa Springs to pay Mr. Berry \$100 per month, one-half of which I was to pay. I did not understand that Mr. Mizner was indebted to Mr. Berry; on the contrary, that he was not, other than that during the intervening time of five months, Mr. Berry had been waiting for this position, and had been deterred from transacting other business thereby. I understood that Berry was to receive \$100 per month from the commencement of Mizner's term of office. Mr. Mizner stated to me afterward that this \$500 alluded to, as he understood it, was for five months next ensuing. My understanding was different. The failure of Mr. Mizner to pay Berry \$100 per month, as alluded to in my and Mr. Mizner's statement, or any other pecuniary sum, in any shape or form, was not the cause of Mr. Mizner's removal from office. And further this deponent saith not.

J. NEELY JOHNSON.

Sworn to and subscribed before the Committee on this 8th day of April, 1857.

[Attest:]

S. A. MERRITT,  
Of Committee.

APRIL 9th, 1857.

Committee met pursuant to adjournment.

Present—Messrs. Norman, McCallum, Westmoreland and Merritt.

*Governor Johnson*, recalled by Committee.—At the time I requested Mr. Mizner to pay Berry \$100 per month, I was not indebted to Mr. Berry,—on the contrary, he was indebted to me \$50. I will further state that I never owed Mr. Berry a dollar in my life, so far as I know.

J. NEELY JOHNSON.

Sworn to and subscribed before the Committee on this 9th day of April, 1857.

[Attest:]

S. A. MERRITT,  
Of the Committee.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, May 26th, 1856. }

L. B. MIZNER, Esq :

DEAR SIR :—I wish you to appoint R. N. Berry and Captain Edward Riggs, Deputy Gaugers. Berry is perfectly well qualified for the duties, and can be of great service to you. He is (and was, when I wanted them,) a staunch friend of mine ; is very poor, and a family dependent upon him for support, and has not asked me for office himself, but simply wants this position, which I assured him I would secure him.



Captain Riggs is also a firm friend of mine and a reliable man. In times past had experience and knowledge of this business.

I remain truly your friend,

J. NEELY JOHNSON.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, Sept. 12th, 1856. }

MY DEAR SIR :

As I informed you some time since, I am desirous for you to do something for R. N. Berry, in connection with your office. He was and is a true friend of mine, and his pecuniary circumstances render the wants of his family a reason why he desires a position which he otherwise, I am sure, would not ask for. Please arrange so as to satisfy him, and you will do me a personal favor. But for my wife's illness, I would have talked to you more fully about these matters when up here. Talk with Dick fully about them.

I am in haste, and have no time to write further.

Truly your friend,

J. NEELY JOHNSON.

To L. B. MIZNER, Esq., San Francisco.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, Sept. 25, 1856. }

FRIEND LANCE :

To-morrow I leave here with my wife for Napa Springs, where I will remain a few days. I am desirous of seeing you in reference to Berry ; and as I cannot go to San Francisco, I wish you will meet me there on Saturday or Sunday. I hope you will take your wife with you. I want William to go up also ; I will write him to that effect. I have suggested this course so we can all meet together and arrange what shall be done for Dick. He will be there likewise.

Your friend,

J. NEELY JOHNSON.

*R. N. Berry* being duly sworn, deposes and says as follows, in answer to Committee:

Governor Johnson is not indebted to me, pecuniarily, in any sum, and never was, to my knowledge. I did not know that Governor Johnson was to pay any portion of the \$500 note given to me, and had I known it, I would not have taken it. I got the note from Mr. L. B. Mizner. It was never understood, that any thing I received from Mr. Mizner, or any emoluments that were derived by me from said office, were to go to Governor Johnson, or any person else. Such a thing was never even hinted at. The note delivered to me by Mr. Mizner, I parted with a few days after. I never saw it since. I never had any note on Governor Johnson. I never gave any valuable consideration to Mr.

Mizner for the note. I never gave any valuable consideration in money, or any other valuable and legal consideration to any one for said note.

I did consult with Mr. Mizner, on or about the 13th September, 1856, in regard to his office. I did consult with Mr. Mizner, I think, about the 13th September, in regard to receiving a portion of the emoluments of his office. When I presented the letter of Governor Johnson, of 12th September, 1856, to Mr. Mizner, he (Mr. Mizner) asked what the hell I expected. I told him that I had always considered that I should receive a portion of the proceeds of the office by acting as a deputy, or paying from my own pocket those whom he might employ as such—then, an equal division of the net profits.

Governor Johnson never authorized me to make that proposition—not in those words. Gov. Johnson told me Mr. Mizner would give me a situation in said office, or that I should be remunerated from that office, and that Mr. Mizner understood it, and would arrange it with me. Gov. Johnson did not say that Mr. Mizner should give me one-half of the proceeds of the office, either net or gross. When I came into Mr. Mizner's office after my conversation with him, his treatment of me was such, that I did say to him I would not be a deputy under him for one thousand dollars per month. The services I expected to render for one-half of the profits of said office, was, that I was to pay the expenses of said office, as above stated.

I have never conversed with Mr. George W. Ryder, in regard to his appointment to the office of Gauger, except since his name was sent into the Senate. I have never requested of Mr. Ryder to appoint me a deputy, or to pay me any money arising out of the emoluments of said office. I have never stated to any person that the successor of Mr. Mizner would have to give me a deputyship, or pay me money arising out of said office. Governor Johnson and myself never had a minute's conversation in regard to the appointment of Mr. George W. Ryder to the office of State Gauger. I never knew of his appointment until it was sent into the Senate by the Governor.

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FRIDAY, April 10th, 1857.

*Berry's testimony continued:*

Mr. Mizner never owed me any money at any time to my knowledge; and he never was under any obligations to me for political services, or for any other services rendered him; I never gave Mr. Mizner any consideration for the \$500 note alluded to; when I received it, I did so, as I supposed, for services rendered Governor Johnson, as he told me that it was understood with Mr. Mizner that I (Berry) was to have a deputyship in the office; furthermore, I had been waiting and expecting a deputyship, and had not urged it on account of the local difficulties existing in San Francisco, and sickness in Governor Johnson's family; the services I rendered Governor Johnson were not such as demanded a pecuniary recompense at his hands, he not being indebted to me in any manner pecuniarily, but my services were such as I might expect an office at his hands; I had collected statistics for Governor Johnson in his character as Chief Executive of the State, and I had expended a good deal of time and labor from month to month in collecting the same, at the request of Governor Johnson as Executive. I will further state, that at the time Governor Johnson wrote his letters of 12th September, 1856, I was in Sacramento, and urged Governor Johnson repeatedly to have closed this matter of the Gauger's office; told him that I was pressed for money, &c.; he tendered me the use of \$500, or any other reasonable amount, which I declined receiving, for

the reason that I did not wish to receive it from him personally, thinking as I did that I was entitled to receive it from the Guager's office.

*Question by Mr. McCallum*—Was Governor Johnson under any obligations other than political to you, and such as you have stated?

*Answer*—He was not.

*Question by Mr. McCallum*—Was you in possession of any knowledge or evidence of any kind which would reflect upon the integrity of Governor Johnson since the time when Mr. Mizner was appointed?

*Answer*—No.

And further this deponent saith not.

Sworn to and subscribed before the Committee on this 10th day of April, A. D. 1857.

RICH'D N. BERRY.

Attest :

S. A. MERRITT, of Committee.

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DEAR MIZNER :—

I did not see the Governor until after 2 o'clock yesterday: he was out of town when I arrived. He says do as you please, he is down on Adams, and does not want him retained.

Truly yours,

LENT.



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IN SENATE.]

[EIGHTH SESSION.

# MINORITY REPORT

OF COMMITTEE ON

## MINES AND MINING INTERESTS,

FEBRUARY, 1857.

JAMES ALLEN, STATE PRINTER.

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## REPORT.

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MR. PRESIDENT :

The undersigned member of the Committee of "Mines and Mining Interests," to which was referred the Bill No. 32, Senate file, "to provide for the working of mines and minerals found in lands lying or being within the grants heretofore made by the Crown of Spain, or the supreme government of Mexico, to private persons prior to the treaty of Guadalupe Hidalgo," dissenting from the opinions held by a majority of the Committee relative thereto, begs leave respectfully to submit the following :

### REPORT.

This bill involves questions and interests of a magnitude which demand for it most careful and dispassionate consideration. It assumes for the State, by virtue of her sovereignty, the ownership of the minerals in all the lands covered by the Spanish and Mexican grants referred to in the title thereof, as well, also, as the absolute and sole right to control and dispose of the same.

When it is remembered that these grants comprehend a greater extent of territory than either of several of the smaller States of this Union, and that within their limits are embraced vast tracts of mineral lands, larger in area than some of the most noted principalities of Europe, it is indeed a matter of profound astonishment, that up to the present time no Legislative action has been had upon this subject, asserting the right of the State to all minerals in the lands within the said grants. The fact, however, that during the previous years of our existence as a sovereign State, no effort was made by the Spanish or Mexican grant holders to assert the right of controlling or disposing of the minerals within their lands, is the probable cause of the apparent indifference exhibited by previous Legislatures with regard to interests amounting to many millions of dollars in value. Recently, however, some of these grant owners, acting upon the hypothesis that the mineral lands within their grants were conveyed to them in absolute fee, and that the right to the minerals therefore vested in them, have intimated a determination to exercise absolute control over them. Indeed they have in one instance, according to the newspapers, already taken the initiatory steps toward asserting and maintaining the right of ownership in these minerals. Now it is well known that much of the mineral lands referred to are at this time, and have been for years, occupied and worked by miners according to the rules

and regulations obtaining in mines upon the public lands. Hence, if the ownership of these minerals is lodged in the State by virtue of her sovereignty, together with the right to dig and carry away the same, "and with all such incidents thereto as are necessary to be used for getting them," it is her duty promptly to assert and maintain these rights—to restrain the grant holder from exercising such as do not belong to him, to the great injury and annoyance of the miner.

It therefore becomes our first duty to enquire where rests the title to the minerals in such of the lands within the territory acquired by the treaty of Guadalupe Hidalgo, as are mentioned in the title of this Bill.

After a careful examination of the Spanish and Mexican laws under which these grants or concessions of land were made, as well as that portion of the common law which has reference to mines and minerals, we are thoroughly persuaded that the ownership of said minerals, in no instance, belongs to the grant owner, but always remained with the sovereignty. Section first of the bill assumes this position and declares that, according to the laws under which California existed while constituting a part of the possessions of Spain and Mexico, "it was the fixed rule of law that no mineral lands were intended to be or ever were conveyed to any private person in absolute fee," but that those Governments always reserved to themselves all ownership in the minerals, as well as such incidental rights as were necessary to extracting the same from the land.

To maintain this position we must of necessity refer to Mexican and Spanish authority. Luckily we have been fortunate enough to obtain translations of all the Spanish and Mexican laws bearing upon the question, that were promulgated and in force between the years 1387, before America was discovered, and 1848, when the treaty of Guadalupe Hidalgo was made. They may all be found in the first volume of "Rockwell's Spanish and Mexican Law," relating to mines and mining.

Those mining laws in force under the crown of Spain previous to the year 1584 are known in Spanish law books as the "Old Ordinances." Law I. of these ordinances, promulgated by Don Alphonso XI., reads as follows :

"All minerals of gold, silver, lead, and every other metal whatsoever, in our realms belong to us; therefore no one shall presume to work them without our special license and command."

Law II., by John I., moderated this rule, and permitted any person to dig or work mines in his own land without a special license, and in the land of another with the permission of the proprietor. As under this law, however, "the owners of private property might prevent all other persons from searching therein for mines," Philip II., in 1559, promulgated Law III., of the old Ordinances, a portion of which reads as follows:

"First, we reclaim, resume and incorporate in ourselves, and in our crown and patrimony, all mines of gold, silver, and quicksilver in these our Kingdoms, in whatever parts or places they may be or be found, whether the estates of the crown or of the nobility or clergy, or belonging to the public, or the townships, or vacant lots, or in the estates, and portions, and lands of individuals." &c.

In the year 1584, Philip II, promulgated Law IV., which is called the New Code, and which repeals all former laws "except as to the vesting in the crown the mines of gold, silver and quicksilver, of which grants had theretofore been made to private persons by districts, bishoprics and provinces." This new code comprises eighty-four ordinances, and together with the commentaries of Gamboa, of which it is the text, even at this time in Mexican courts is considered of the highest

authority, when not conflicting with the "Mining Ordinances of New Spain," made by the King of Spain in 1783.

We have seen then that under the Old and New Codes, the minerals in the lands were always made subject to the use, benefit and absolute control of the crown. This was the law until the year 1783, when the "Mining Ordinances of New Spain" were published and became the law in all the Spanish colonies; these ordinances are now the law of Mexico, except only with such modifications as were made necessary by the change from monarchial to republican government. Section first of the fifth chapter of the code of 1783, reads as follows:

"The mines are the property of my Royal Crown, as well by their nature and origin as by their re-union, declared by the fourth law of the thirteenth title of the sixth book of the new compilation."

Section second declares:

"Without separating them from my Royal patrimony, I grant them to my subjects in property and possession, in such manner that they may \* \* \* \* dispose of all their property in them, upon the terms on which they themselves possess it." &c.

Section third is in these words:

"Be it understood that this grant is made upon two conditions. First that they (my subjects,) shall pay to my Royal Treasury the proportion of metal reserved thereto; and secondly, that they shall carry on their operations in the mines subject to the provisions of these ordinances, on failure of which, at any time, the mines of persons so making default shall be considered as forfeited, and may be granted to any person who shall denounce them accordingly."

Thus it will be seen that the right to the minerals in all lands, public and private, was never separated from the sovereignty under either Spanish or Mexican law. This is indisputable. It is equally uncontrovertible that the holders of Spanish and Mexican grants within the territory of California have acquired no additional rights over their possessions, by virtue of the treaty of Guadalupe Hidalgo, but now possess identically the same they enjoyed under the sovereignty of the Supreme Government of Mexico. Hence it follows inevitably that the right to the minerals in said grants vests in the sovereignty which now supersedes that of Mexico. This conclusion is irresistible, and brings us directly to the question: What sovereignty now replaces—stands in the stead of—that under which California existed while a territory of Mexico? We shall endeavor to prove that it is the sovereignty of the State of California.

The Department of California for many years previous to, and at the time of, its acquisition by the Government of the United States, had a regularly organized government, with legislative, executive and judicial departments, each possessing well defined powers, in many respects, in point of dignity, corresponding with, in others far surpassing those possessed by the like departments of this government. For example, the government of California under the Mexican laws, could on certain conditions make and confirm grants of the public domain—a power which under our Constitution, Congress alone is competent to exercise. She was possessed of a system of laws which, so far as they did not conflict with the Constitution, treaties and laws of the United States, continued in force after the consummation of the treaty of 1848, and until the 20th day of December, 1849, when, by the resignation of General Riley, Governor of California, by virtue of his position as Commandant of the military forces on the Pacific, the government under our present State Constitution went into operation, and continued in operation, without the approval of Congress, until the 9th day of September, 1850, when the Act, admitting California into the Union as a sovereign State, became a law. Thus it will be seen that during the period intervening from July 4th, 1848, when the treaty of Guadalupe Hidalgo was proclaimed by the President of the United States,



and the 9th day of September, 1850, the Congress of the United States treated California as a mere military acquisition—refusing to replace with a civil government, that which had been organized under the rights of conquest or, to quote the language of the annual message of President Polk, “established by military authority during the war.” During all this time, Congress ignored the very existence of California as a territory, so far as furnishing her with a government was concerned. The fact is indisputable that Congress never did recognize her as a territory,—the laws of the United States will be searched in vain to prove the contrary opinion. *The first recognition of California by Congress, was as an independent sovereignty.* On the 9th day of September, 1850, by the joint act of the people of California on the one part, and the constituted authorities of the United States on the other, after a protracted and angry struggle, she was admitted into the Union as a sovereign State. She was admitted, according to the Constitution of the United States, upon the same footing as the original States—as a separate and independent sovereign government, possessing by reason of that independent sovereignty, the right of eminent domain. Thus the rights which pertained to the sovereignty of Mexico, and which had been transferred to the government of the United States by the treaty of Guadalupe Hidalgo, by the Act admitting California into the Union, passed to the sovereignty of this State. If this train of argument be correct, and we think it will not be successfully disputed, we have demonstrated the fact that all the rights in the grants referred to in the title of this bill, which, attached to the sovereignty of Mexico, have passed to, and are now vested in, the sovereignty of the State of California. With respect to the ruling of common law on this point, it is merely necessary to repeat, in order to complete the argument, what has been said elsewhere, that “the several States of this Union, in virtue of their respective sovereignties, are entitled to the jura regalia which pertained to the king at common law.”

Having thus established the right of California to the minerals in these grants of land, according to both Mexican and common law, we proceed to consider what other prerogatives accompanied the reserved right of ownership in the minerals in all grants of lands made under Spanish and Mexican authority. A portion of section third of the bill reads as follows:

“The locator, or claimant, of such mines, shall be entitled to have and to hold one acre of land, which is not mineral, if the same can be obtained, at or near said mines, for the purpose of residence.” \* \* \* \* \*  
and “shall be entitled to use water and fuel, which may be upon the adjoining lands, to aid him or them in mining, and for the necessary and ordinary domestic purposes of life, and also to use wood to build a dwelling house.” Section fourth merely secures to the “locator, or claimant,” the right of way for all necessary purposes.

The question here arises: Has this Government the right to make such disposition of the land, &c., in these grants, as the portions of the section just quoted propose? And this leads to the inquiries: What are the rights in these lands, and to the wood and water thereon, which the Spanish and Mexican Governments reserved to themselves for the use of the miner in extracting the ores? Did not those Governments always reserve for the miner, on lands granted to individuals, the right of way; the right to the use of a sufficient amount of land for a residence; and of sufficient wood for the erection of buildings and machinery, and for fuel; and of sufficient water for mining, and other purposes? In short, are not these privileges, viz: the use of sufficient land for residence, of wood and water for building, mining, and other purposes, and the right of way, among those franchises which, under the Spanish and Mexican laws, are necessarily incident to the right to work the mines?

The common law is very clear on this head. According to Plowden, who is



good authority in our courts, it holds that the ownership of the minerals is necessarily "accompanied with full liberty to dig and carry away the ores, and with all other such incidents thereto, as are necessary to be used for getting them." The Spanish and Mexican laws are still more explicit upon all the points necessary here to be considered, and hence we propose to let them appear as nearly as may be just as we find them in the books.

And first, by reference to the "New Ordinances," chapter first of Ordinance 16th, we find it declared that all persons, whatsoever, shall be privileged to search for minerals in all lands, "throughout the whole of the kingdoms and domains of the Crown of Castile," in all fields, waste places, and pasture grounds, "whether belonging to ourselves, (the Crown,) to any town, or to individuals," provided "that if any damages be committed," the miner shall be liable for the same, when properly assessed by such "surveyors" or arbitrators as the law required. Gamboa, in his commentaries upon this Ordinance, note 6th, says: "The damage may arise not merely from the digging and excavating the soil, but from the setting up and building houses and smelting furnaces in pasture grounds required for cattle, or from any other inconvenient circumstance affecting the owner of the soil, and arising from the mines."

In section 3d, of chapter 13th, of "Mining Ordinances of New Spain," it is provided that, in the immediate neighborhood of mining districts, there may be a sufficient number of grazing places and watering places "set apart for the use of the animals required for mining purposes," with the provision, however, that the owner of the said land shall be paid for the same, and that no greater amount of land shall be set apart for the above mentioned purpose, than that adjudged necessary by a surveyor appointed on each side, and of a third in case of disagreement, "unless with the free consent of the owner of such lands."

Section 12th, of the same chapter, declares that, "The mountains and woods in the neighborhood of mines are to be used for the purpose of providing them (the miners) with timber for their machinery, and with wood and charcoal for the reduction of the ores, and the same is to be understood with regard to those which are private property, provided a fair price be paid to the owners."

Section 9th, chapter 19th, of the same code, provides that "In the allotment of ground for the purposes of building houses" \* \* \* "the miners are to be preferred to other persons," and grants them the liberty of cutting wood and making charcoal, and of pasturing their cattle in the grazing places and watering places; with the condition, however, that unless such lands, &c., are public property, the owner of the soil shall be entitled, for the exercise of said privileges, to such amount as those having authority under the law may adjudge proper.

Lest it may be supposed that the laws and parts of laws quoted from Mexican and Spanish mining ordinances may have reference alone to quartz mines or veins, we quote from chapter 6th of "Mining Ordinances of New Spain," section 18th, as follows: "Beds of ore (placeros) and all other depositories (eriaderos) of gold and silver, on being discovered, shall be registered and denounced in the manner as mines or veins, the same being understood of all species of metal."

Thus, to sum up the argument, it appears that Spain and the Supreme Government of Mexico, in making grants of lands to individuals, always reserved to their respective sovereignties the ownership of the minerals, the right to work the mines, together with all such incidents thereto as were necessary to be used in digging the ores: That all of the said rights, by virtue of the treaty of Guadalupe Hidalgo, passed to the United States Government, and thence, by virtue of the Act of Congress admitting California into the Union as a sovereign State, to the sovereignty of California, where they now rest. Therefore, California alone has authority to authorize them to be worked, and to pass laws for their regulation.

Hence, with such amendments to sections 3d and 5th of the bill as will secure to

the owner of the soil all his rights therein, and a few others of less importance, to other sections, we recommend its passage. We believe, thus amended and enacted into a law, it will do justice to all parties concerned—to the grant owner, the State, and the miners now holding claims within these grants. Unless this or some similar law is speedily passed, there is great reason to fear that the miners working claims on some of the Mexican grants will be unjustly disturbed and harassed by the owners thereof or their agents. As long ago as 1783, King Philip II. declared that it was “a notorious and well established fact that the working miners were a very poor class of people, and *very useful to the State* ;” that the precious produce of the mines was “the chief source of the prosperity of his subjects, the support of his treasury, and the spring and moving power of the commerce of all his dominions, and to a great degree of that of the whole world.” These remarks of the old Spanish king apply with great force at the present time. Seventy-four years have not changed for the better the condition of the gold digger ; he is still “poor, and very useful to the State ;” the product of his labor is still the chief source of the prosperity of the people, still the spring and moving power of the commerce of this country, and to a great degree of that of the whole world. Hence he should be protected in all his rights. This bill proposes to accomplish that desideratum—to remove all uncertainty relative to the rights of all parties concerned, and thus save a vast amount of personal contention, litigation, and perhaps bloodshed.

Since writing the foregoing, the undersigned has heard read the report made on the bill by a majority of the committee. From this report it would appear that the great objection to the bill, in the opinion of the authors thereof, is, that it claims for California, by reason of her independent sovereignty, “the right of *eminent domain* in all territory within her borders.” This right, the majority solemnly declare, they do not claim for California ; and chiefly because it is claimed in the first section of the bill, recommend that the same be indefinitely postponed. This position is of such an extraordinary character that the undersigned is constrained to the belief that the gentlemen making the majority report entirely misapprehend the meaning of the term *eminent domain*. In reference thereto I beg leave to quote from Bouvier’s Law Dic., vol. 1, page 466 :

*Eminent Domain*—The right which the people or government retain over the estates of individuals, to reserve the same for public use.

Also from Burrill’s Law Dic, page 416, 1st vol.:

*Eminent Domain*—The inherent sovereign power of a State, which gives to the Legislature the control of private property for public uses.—2 Kent’s Com., 339, and note.

The ultimate right of the sovereign power to appropriate not only the public property, but the private property of all the citizens within the territorial sovereignty, to public services.—Story J., 2 Peters’ R. 420, 641. Webster Arg. S. C.

Thus, if the position of the majority report be correct, and this right of eminent domain does not belong to California, this Legislature has not the power to authorize the use of private lands for railroad purposes or any other public uses. Such a position is simply absurd ; inasmuch as it denies that this is a sovereign State.

All of which is respectfully submitted.

S. H. DOSH.

NOTE—The amendments which Mr. Dosh had drawn up, and intended to propose in Senate for adoption, would have altered sections second and third of the Bill so as to provide, first, that the size of mining claims should be regulated by the mining rules of the locality, as adopted by the miners ; and second, that the miner, before he got a license to work the mine which he denounced on a Spanish grant, and before he secured the right to use a sufficient quantity of land near said mine for residence, and wood for building and mining purposes, etc, should first pay to such land-owner such amount of damages as arbitrators selected, one by the miner denouncing, and one by the land-owner, and in case they could not agree, a third by the nearest Justice of the Peace, should adjudge fair and reasonable

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IN SENATE.]

[EIGHTH SESSION.

# MAJORITY REPORT

OF COMMITTEE ON

## MINES AND MINING INTERESTS,

FEBRUARY, 1857.

JAMES ALLEN, STATE PRINTER.

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## REPORT

MR. PRESIDENT:

The Committee to whom was referred Senate Bill 32, entitled "A Bill to provide for the working of mines and minerals found in lands lying, or being within the grants heretofore made by the Crown of Spain or the supreme government of Mexico, to private persons prior to the treaty of Guadalupe Hidalgo," have had the same under consideration and ask leave to make the following report. The bill is not confined in its provisions to the objects specified in its title, as the following extract will show: "By the United States, the State of California was recognized and acknowledged as a *separate* and independent sovereign government, *possessing*, according to the Constitution of the United State, by reason of that independent sovereignty, *the right of eminent domain in all the territory within its borders.*" The Committee do not desire to enter into a discussion of this subject in full, but choose rather to give a few facts, and the conclusions therefrom, which induce them to report adversely to the passage of the Bill. It has been the uniform policy of Mexico to encourage her mining interest, and in making grants of land to individuals or companies, she always reserved to herself, for the benefit of her miners, all of the minerals in the land so granted. The Mexican government had a complete and perfect title, and full sovereignty over all the minerals contained in the "grants," and by virtue of the treaty of Guadalupe Hidalgo she conveyed the same unimpaired, to the government of the United States of America. All lands in California which are not covered by Mexican or Spanish grants, or which have not been given, by special enactment of the United States Congress, to California, belong of right, to the government of the United States; because she acquired the same by reason of said treaty, and by no act of hers within our knowledge, has she relinquished them. We hold that the United States own the lands and the minerals; that she owns both, in the lands known as public lands; that she owns the minerals in the lands which have been "granted" to individuals. The American government has pursued a "masterly inactivity" in regard to her ownership,—and in the meantime, the mineral lands have been settled upon by hardy, intelligent, and enterprising miners, and California has permitted them to make their own rules and regulations concerning the mines,—carefully and wisely abstaining from any assertion of ownership to the mines, she has, from time to time, passed



such laws as would best promote the interests of the miners and add to the general good. It may be well enough, in the absence of Legislation by the United States, for the State to prescribe the manner by which ores may be extracted from the Mexican or Spanish grants—or that the State should pass some law defining the rights of miners on such “grants;” but, until the miners show, by petition or otherwise, that they desire something of this kind, it were better to let it alone,—for, as a general thing, the miners desire only *to be let alone*. The doctrines contained in this Bill, are fraught with great danger to the mining interests of this State. It does not require a great deal of faith to believe that if California had exclusive sovereignty over the mineral lands, that it would not be a great while until those lands would be wrested from the miners and placed in the hands of monopolists. The State, thus far, has not been able to conduct her own affairs with sufficient credit to herself to justify her in seeking to exercise supreme power over a subject of such vast importance to the whole Union, and which is beyond her control. We recommend the indefinite postponement of the Bill.

Very respectfully,

W. B. NORMAN,  
Chairman.

J. W. MANDEVILLE,  
JOS. WALKUP,  
G. J. CARPENTER,  
W. I. FERGUSON.

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IN SENATE.]

[SESSION OF 1857.

# R E P O R T

OF THE

SPECIAL COMMITTEE

TO WHOM WAS REFERRED THE ACT RECOMMENDING TO THE ELECTORS TO VOTE FOR  
OR AGAINST A CONVENTION TO REVISE AND CHANGE THE

CONSTITUTION OF THIS STATE,

JANUARY, 1857.

JAMES ALLEN, STATE PRINTER.

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*Mr. President :*

The Special Committee to whom was referred the Act recommending to the electors to vote for or against a Convention to revise and change the Constitution of this State, respectfully submit the following report :

The Committee find that no measure of comparative importance has so long, and so continually occupied the attention of the Executive and Legislative departments of this government as the measure of constitutional reforms, and they believe that a brief history of the action which has been had upon the subject by our predecessors in this department of our government will tend at this time to convince us all, that the measure ought to be no longer withheld from the action and decision of the people.

## THE PAST LEGISLATIVE HISTORY OF THIS MEASURE.

The Committee find that in the first Annual Message ever delivered to the Legislature of this State, Governor Burnett strenuously urged the necessity of immediately amending the Constitution in an important particular; and that by the time the next succeeding Legislature had assembled, in January, 1852, the conviction had already become so general that the present Constitution was not suited to the condition of the country, and ought to be immediately revised and changed that many believed the people would sanction and uphold the calling of a Convention for that purpose by the Legislature without first submitting the question to the people, as required by the measure now before us, and by the existing Constitution. Accordingly, we find that on the 3d day of February, 1852, a Joint Resolution was introduced in the Assembly, calling a Convention at once, which was entertained, and was referred to a Special Committee of thirteen members. On the next day an Act providing for the accomplishing the same object was also

introduced therein, and referred to the same Committee. Nine members of the Committee unanimously recommended the passage of the Act, and signed a report to that effect, which concludes in the following language :

“The Constitution has been weighed in the balance and found wanting ; its doom is written in the handwriting of the people. We are taught by high authority that every tree that bringeth not forth good fruit shall be hewn down and cast into the fire. The people are ready to wield the axe. We therefore recommend the calling of a Convention to revise the Constitution without delay.”

The remainder of the Committee made a minority report not disputing the usefulness which might result from a Convention, but opposing the manner in which the majority of the Committee proposed to call one. On the 20th of the same month of February the late Mr. Wall, of Monterey, introduced a Bill, the same in all respects as the one now before the Senate. Mr. Wall's Bill was finally adopted and passed in the Assembly by an almost unanimous vote. The Senate and Assembly then consisted of but 90 members—27 in the Senate, and 63 in the Assembly. The Assembly passed the Bill by 51 votes in its favor to only seven against it. But in the Senate the Bill was finally indefinitely postponed by a vote of 11 to 10. It may be safely affirmed that the defeat of the measure even at that early day, was not owing to any arguments or good reasons used against the measure itself, but may be fairly inferred by reference to a motion made in the Assembly to amend the Bill, by adding after the words “for a Convention” the words “and slavery.” At the next session, held in 1853, the same measure now before us was again introduced in the Assembly, and again referred to a Special Committee of thirteen. And they then reported unanimously in favor of its passage. Their report was written with much ability, and is well worthy the attention of members at the present time. Among many other reasons given in favor of the measure, the report urges the necessity of making immediate constitutional provision for curtailing our enormous public expenditures, and providing in a new Constitution for the then existing and unconstitutional indebtedness. The Report concluded with the following forcible inquiries propounded to the opponents of the measure :

“To what extent (said they) do you desire the catalogue of grievances to be increased before you will consent to afford a remedy? How large a State debt do you desire to accumulate before you will yield to retrenchment and to the abandonment of a ruinous system of extravagance? How heavy shall be the burden—how devastating the effects of unequal taxation, before you will consent that the burdens and blessings of government may rest equally upon all?”

The Assembly again passed the Bill by a majority slightly less than was had at the previous session, but yet nearly four to one, being 46 in its favor to only 12 against it. During the same session of 1853, the Senate was also greatly occupied with this subject. The Governor recommended, in effect, that the Legislature should undertake to revise the Constitution, and officially suggested defects requiring at least ten or twelve important alterations in that sacred charter, without including any reference to the Judiciary, which perhaps more than all others required to be immediately amended. There were no less than five different written reports made to the Senate on this subject during that session. Among them is the reports of the Select Committee to whom had been referred the Assembly Bill. They reported unanimously in favor of its passage by the Senate, and concluded their report in the following language :



"It is admitted on all hands that quite a large number of amendments to the existing Constitution can be made with decided advantage to the government and people. It is not denied that many of these amendments are positively required, and absolutely necessary to the protection of the interests of the State, and the preservation of the public faith." "What then is our duty as the Representatives of the people? It is clear—it becomes our sworn duty without further delay, to prescribe the best and most effective mode by which the required amendments can be made."

On the next day after this Report was made the Senate voted in favor of the passage of the Assembly Bill, by a vote of 16 in its favor to only 10 against it. But in the language of the Journals the chair decided that the Senate had refused to pass the Bill, as it had not received the Constitutional vote of two-thirds.

Thus it is shown that a Democratic Legislature came within only two votes at most of passing this Bill four years ago. And not one single amendment to our Constitution of any practicable importance having yet been adopted, it is impossible to believe that any conscientious legislator can find reasonable excuse for any further delay of this measure.

On the assembling of the Legislature of 1854 the Governor again urged their attention to the necessity of amending the Constitution; and after directing attention to the numerous amendments recommended in his previous message, and suggesting an additional one, which had been recommended by Governor Burnett three years before, he pointed out what he declared to be "a highly important defect" in the second section of the tenth article of the Constitution.

It was shown that the section referred to made no provision whereby a Constitutional Convention would be required to submit its action to the people; and the idea was conveyed that a Convention could adopt a Constitution and make it the law of the land without first submitting it to the people for their adoption; and in consequence of this supposed omission, the Governor advised the amendment, which was finally adopted by the then next succeeding Legislature of 1855, and agreed to at the session of 1856, and is the one which was ratified by the people at our general election in November last. The necessity for adopting such an amendment has never been made very apparent, and by reference to that part of this Report which will refer to the provisions on the subject of conventions and amendments in the Constitutions of other States, it will appear that such a provision is not generally thought to be at all necessary. But nevertheless, that "highly important defect," together with alarming calculations concerning the expense of a Convention constitutes the chief arguments which have been used since that time against allowing the people to vote on the question of calling a Constitutional Convention. The Legislature of 1854, to whom the Governor had pointed out the said "omission" seem to have acquiesced in a more safe, cheap and economical mode of amending our Constitution, and a Joint Committee of the Senate and Assembly, was appointed at that session to prepare amendments; but the amendments reported by the Committee were not adopted; and although the same measure which had passed the Assembly at the two preceeding sessions was again introduced, it was not placed upon its passage, and perhaps no vote was taken upon it.

But, in 1855, the more safe and economical mode, which had been so long and so sincerely urged, of amending the Constitution by the Legislature, was

thoroughly tried ; and after incurring an expense of some \$25,000—which has already been paid by the State for advertising the amendments then adopted, and which is full one-half of the utmost expense which need be incurred by a Convention, to say nothing of the additional expense incurred in passing or acting upon the said amendments, (as is required by the Constitution,) at two successive sessions of the Legislature—after all that expense and delay, and honest and sincere effort for constitutional reform, the result of the undertaking is too humiliating to need any further comment or observation concerning the wisdom, even if we had the power—which we have not—of revising and amending the Constitution through the action of successive Legislatures. It is but proper, however, to observe, as conclusive evidence of the danger and insecurity attending such a mode of revising the Constitution by officers whose minds are continually occupied with secondary and entirely different duties, that one of the aforesaid amendments, published at the expense of the State, proposed to dispense with the third section of article six of the Constitution of the United States, and also proposed to dispense with requiring any officer of this Government to swear that he would support the Constitution of this State. And all the others of said amendments—except the one adopted at the last general election—the Legislature of 1856 found it proper and necessary to also reject.

#### SPECIFICATIONS OF SOME OF THE OBJECTIONS TO THE CONSTITUTION.

At the commencement of the session of 1856, the Governor again urged the Legislature to proceed with the business which had then been attempted for so many years of amending the Constitution. But instead of that course being adopted, the same bill now before the Senate, was therein introduced, and the whole subject was therein reviewed and discussed, at unusual, and under other and ordinary circumstances, unnecessary length.

It is the unanimous opinion of the Committee, that the sixth Article of the Constitution, which establishes the existing judicial system of this State, is totally and radically unsuited to the condition of this country, and requires entire revision and alteration. And they earnestly submit that any attempt by this department of the Government to plan and control an entire revision and change in the organization itself of either of its other departments would be an unprecedented and unjudicious, if not also an entirely unwarrantable proceeding. It would certainly admit a power in this department over the very plans and organization of the other departments, which was perhaps not contemplated by the Constitution, and would be a clear violation of the spirit, if not of the express language, of that instrument. In a Government like ours, they regard the judicial system as the balance wheel of all the other systems of our government. And as everything else connected with the Government, must of necessity move without any regularity or advantage, whilst the judicial system itself is without any proper balance ; and since it is with us less guarded, less wisely adjusted, and more recklessly placed than the judicial system of other and less important States, and since it would be presumptuous if not wholly improper, for this department of the Government, as has been suggested, to undertake to prevent all amendments to the organization of either of the other departments, except such as this department alone shall see fit to first allow and prescribe ; your Committee would consider it their duty to recommend the question of a Convention to the people, if there were no other alterations except those of the Judiciary alone to be made to our Constitution. They consider that an entire change in either of the three departments created by the Constitution would be a change of the entire Constitution, within the evident meaning of those words.

Yet the Committee find that not this article alone requires revision and change, but that it is also "necessary to revise and change the entire Constitution" for other reasons. And as they may be expected to show at least some of the reasons for this conclusion, they will, for the sake of brevity, reiterate the following objections to our Constitution, which were presented and argued at the last session of the Legislature :

1st. That our Constitution was adopted before the real condition and wants of the country had been fully developed and made known, and consequently must, from the very nature of things, be less complete and beneficial than one which could be prepared with our present experience.

2d. That it imposes no checks upon the enormous sums which the Legislature can allow its favorites in the different counties under the guise of official services; whereby public offices are made the objects of speculation or profit, rather than the mere performance of public duties.

3d. That it does not restrain a few citizens in the Legislature from selling or otherwise disposing of, any or all of the public domain and property of the State, at such time, and upon such terms, as they may see fit to adopt without being required, in any case whatever, to previously advise the people of their intentions, or to give them an opportunity to express their wishes with regard to the disposition of their property.

4th. That it enables the Legislature to create whole counties without allowing them one Representative in the Assembly; and limits the entire legislative representation of the State to a small number of individuals, not exceeding, perhaps, one half of the number which the public interests and security demand, at the present time, and being comparatively much less than is allowed in every other State in the Union; whilst the gross sum now paid to the members of the Legislature need not be at all increased by doubling their numbers.

5th. That it allows officers to be appointed by the Executive, who ought to be elected by the people; and allows the Legislature, by a mere majority vote, to create new offices, (however unnecessary,) and fix the compensation of the incumbent.

6th. That it allows the Legislature to fix the pay of its own members without any limitation to the amount.

7th. That it allows the Legislature to continue in session for such length of time less than a year, as it sees fit, and at the same compensation during the whole period.

8th. That it allows the Legislature at each session to employ as many officers, clerks, attaches, and servants, as it chooses, and fix their compensation; whereby such numbers have been employed, and at such rates as to annually cause an expense nearly equalling the whole sum paid to the members of both Houses of the Legislature.

9th. That it imposes no checks whatever upon the sums which the Legislature may expend and order to be expended, under the head of contingencies; whereby, through this and the other powers referred to, the expenses of the Government are at least three times greater than there is any actual necessity for.



10th. That it leaves the entire finances of the State under the complete control of the Legislature, without any Constitutional check, system, or regulation whatever, leaving all the different funds to be thrown into confusion; the monies in one fund, (however sacred the trust,) to be borrowed and expended through another fund; and appropriations of property to one fund for some specific object to be taken by some other fund at such price and upon such terms as the majority of a few persons being the members of the Legislature may see fit to direct, and in this and other ways, leaving the whole finances of the State continually upon a hazard.

11th. That it does not restrain the Legislature from passing purely local and private bills, of no general public utility or advantage, whereby its sessions have been uselessly prolonged, the public expenses unnecessarily increased and the doors of the Legislature thrown open to invite partial, personal, and corrupt legislation.

12th. That it does not create a direct responsibility between each individual legislator, and those whom he undertakes to represent; making no provision for as many Senatorial and Assembly Districts, as there are members of each in the Legislature, whereby each neighborhood or certain number of citizens could have their own separate representatives, and the vote of each citizen would be made to count equally towards making up the legislative representation of the country.

13th. That its plan for punishing official misconduct in District Judges, and other inferior State officers, only by indictment in the Assembly, and a judgment agreed to by two-thirds of the members of the Senate, is contrary to Democratic principles, enormously expensive, wholly unnecessary, and against public policy.

14th. That its provisions concerning the sacred rights of the people to have all their cases tried by juries, have proved to be defective and in consequence, the Supreme Court has annulled a long established law of this State, and decided that the people are not entitled to trial by jury in a very large class of civil cases which it calls Chancery cases; and that all such cases are to be tried only before one man, who is to act as both Judge and jury; whereby not only is the right of trial by jury invaded to an extent that is dangerous in this country, but the Supreme Court itself, usurps a new power, and assumes the right to pass upon the facts, as well as the law, in any cases which it shall please to designate by a particular name.

15th. That its provisions requiring that *all* laws of a *general* nature shall have a uniform operation, is not merely useless, but seriously injurious, interfering as it does with the passage of laws of a general nature, to operate differently in different counties, according to their several different wants and necessities.

16th. That it permits each House of the Legislature to determine the elections of its own members, without any qualification of such right, whereby the people can be defeated in their own choice of representative, and in spite of their own wishes, another can be elected in his place whenever a majority of the House to which he is elected may see fit, upon partizan or any other grounds, to exercise this power.

17th That it prohibits any revision or amendment of a law, without re-passing and re-printing the whole of the revised law or section amended; whereby the public expenses are greatly increased without any necessity or actual public advantage.

18th. That it bestows upon only one man, and without any restraint or qualification, the monarchical power (more absolutely than is at present vested in the English crown) of granting reprieves and pardons to criminals after they have been duly and lawfully convicted by the unanimous approval of courts and juries.

19th. That it creates a bureau of education to be presided over by an independent officer, without making any provision (in relation to that grandest object of human politics) rendering such an officer necessary, and without limiting the term of his office within reasonable and consistent bounds.

20th. That it requires *all* laws, decrees, regulations and provisions, which from their nature require publication, to be published in the Spanish language; whereby a great expense is unnecessarily entailed upon the country, without the power of diminishing it, so as only to comply with what our Spanish population really require in relation to this subject.

21st. That it does not *effectually* prohibit the Legislature from contracting civil debts or liabilities, without the previous consent of the people who pay them; nor restrain its vile powers of funding liabilities illegally and unjustifiably contracted; and thus forcing debts upon the people which they never assented to, nor were benefitted by, nor were under any obligations to pay, either legal or moral.

22d. That it throws difficulties in the way of revising and changing the Constitution, which are unnecessary, impolitic, and inconsistent with the principles upon which the government is founded.

That all this enumeration of defects to our Constitution will be agreed to by every one, is not pretended; but when taken in connection with the defects of our judicial system, and other numerous and equally important defects well known to exist, and not here referred to, enough valid objections will be admitted by all, to at least fully justify the conclusion to which your Committee have unanimously arrived, that it "is necessary to revise and change the entire Constitution.

#### CONSTITUTIONAL PROVISIONS IN OTHER STATES ON THIS SUBJECT.

But, in order to render still more apparent and unavoidable their said conclusion, they beg leave to briefly refer to the Constitutional provisions of other States, in relation to the same subject matter; whereby it will appear that the Legislatures of other States are not permitted to interpose so much obstruction and delay to Constitutional Conventions and reforms, as has been practised by the Legislature of this State.

They find that in New Hampshire, which was for two ages one of the most firmly Democratic and best governed States in the Union, the people have always enjoyed the Constitutional right, fixed beyond all control or interference of their Legislature, of voting for or against calling a Convention to revise their Constitution at least as often as once every seven years.

In Vermont, the Constitution itself, also provides for calling a Convention to revise her Constitution as often as once every seven years. The people of that State are authorized to elect, septennially, an extraordinary body called the Council of Censors, who are directed, among other high duties, to make provisions for a Convention to change their Constitution, if there appears to them "a necessity of amending *any Article of it* which may be defective." Thus providing that even if one single section of their Constitution requires amendment,



it must be done by delegates chosen by the people for that express and sacred object. Even "Old Federal Massachusetts," as that great State has often been called, allows amendments to be made to her Constitution on more favorable terms than is vouchsafed to the people of this State. And in 1820, when it was thought that more than one *amendment* was required to the Constitution of Massachusetts, a Constitutional Convention was called, merely for that purpose, and the first nine amendments to the Constitution of that State, were prepared for submission to the people only by a Constitutional Convention. In Connecticut, the popular branch of the Legislature alone, without the Senate, can make as much progress towards Constitutional amendments when first proposed, as two-thirds of the Senate and two-thirds of the Assembly are allowed to make, under our Constitution. In New York, also, only a majority vote is required, when our Constitution requires a two-thirds vote to effect amendments. And, besides, the people are directed by their Constitution to vote at stated periods for or against a Convention, whether the Legislature previously recommends such a vote or not. In New Jersey, the Constitution provides for amendments by a majority vote, where ours requires a vote of two-thirds. And in Pennsylvania, the same thing is true, and in both those States it is believed the Legislature can, by ordinary vote, recommend the people to vote for or against a Constitutional Convention, at any time they may deem it advisable. In Maryland, the Constitution expressly requires the people to vote for or against a Convention to revise their Constitution as often as once every ten years. In Virginia, the birth place, and we trust the everlasting home of American Democracy, the Constitution boldly declares that "a majority of the community hath an indubitable, inalienable, and indefeasible right, to reform, alter, or abolish it, in such manner as may be most conducive to the public weal." And it would seem that the subject of a Convention is there left to the free, but not undefined nor unsafe disposition of the people, at all times.

In the Constitution of Kentucky, particular provision is made (after pre-requisites are complied with) for the organization of a Convention to adopt a new Constitution, but neither in that State, nor in North Carolina, South Carolina, Florida, nor a single one of all the States which have been named, is there any provision requiring a Constitutional Convention to submit its action to the people, nor compelling a Convention, in its deliberations, to make use of the English language, the one seeming to be taken for granted as much as the other. In other States besides those already specified, the people have wisely reserved the right in their Constitutions to vote for or against Conventions to revise them, without awaiting the action of their Legislatures. In Michigan, also, the people have a right to vote on the question of a Convention whenever the ordinary majorities in the Legislature may pass a law for that purpose. But in this State, two-thirds of each branch of the Legislature must concur in such an act, or a concurrent resolution, perhaps, before the people can even be trusted so far as to vote on the question of calling a Convention! In the Constitution of Iowa, (of which our's is but an injured copy,) it is provided that, if at any time a majority of the members of the Legislature shall think it necessary to revise or amend (even to *amend*) their Constitution, provision shall be made for calling a Convention by the people for that purpose. In addition to the foregoing reasons why the question of a Convention ought to be no longer withheld from the people of this State, the necessity of the measure, as the only relief from our present financial crisis, might be presented, but it has been deemed impolitic to connect another and merely temporary question with the one now before us, which is neither temporary in its character, nor fit to be controlled nor affected by other and distinct issues. But the policy may be most profoundly questioned of submitting our past indebtedness, in any form whatever, to a vote

of the people, without presenting them at the same time with some evidence of a determination to close up every avenue to public waste and extravagance for the future. Indeed, the people might wisely conclude that to merely vote in favor of our past debts (conceding that the question can be lawfully presented to them,) without seeing at the same time any security against the future, would only tend to renew and prolong the same system of extravagance which has always hitherto marked our unprincipled public conduct. A thorough revision and change, however, in our Constitutional organization, while it could give us a more efficient, popular, strong and beloved government, could, at the same time, with the utmost ease and without the least uncertainty, reduce the legitimate expenses of our government at least one-half a million of dollars every year.

#### THE TIME NECESSARY.

As to the time requisite for calling a Convention, Delegates could and ought to be elected to it within thirteen or fourteen months from the present time, and a new Constitution can be easily submitted to the people at the general election of next year. The Constitution does not require, nor in any manner impose, any longer delay for submitting a new Constitution to the people than is required for submitting any single amendment to them. On the contrary, unless two successive Legislatures elected for two successive years, should precisely agree to any given amendment, without the alteration of a single word thereof, the most tedious and prolonged mode for getting any amendment before the people is by legislative action—not by a Convention. Persons outside of the Legislature who have represented to the people that it will take longer to procure constitutional reforms by a Convention than by the action of the Legislature, are entirely in error, and exhibit a fault which is one of the most important and injurious of our times, and one from which no man can claim to be properly exempt—the fault of deliberately entertaining, or of writing down and publishing dogmatically, opinions concerning subjects of grave importance to the country, without first undergoing the earnest labor which prudence and duty command before we undertake to condemn or approve them.

#### IT WOULD BE IMPROPER FOR THE LEGISLATURE TO ATTEMPT THE REQUIRED REFORM.

Whether it would take a longer or a shorter period for the Legislature to adopt amendments, than for a Convention to do so, has little to do with the oath we have taken to support and follow the Constitution, and not our own notions concerning this subject. We have already shown that by necessary implication, and in order to preserve inviolate from radical change or destruction the Executive and Judicial Departments of the Government, and also by allusion to analogous provisions in other State Constitutions, in some of which not one amendment can be made except by a Convention, and in some of which, one, but not two distinct amendments, can be proposed by the same Legislature; and also by allusion to the number of amendments, and the evidence that a revision of the entire Constitution is here required, and also by some allusion to the custom of other States, and to the utter abortion, to say nothing of the impropriety of a similar attempt heretofore undertaken in this State, we say we have, in this manner, already shown, or endeavored to show, that any attempt on the part of the Legislature to provide for the numerous amendments to our Constitution, which all concede to be necessary, without first giving our people the right to call a Convention, if they shall deem that the better and safer mode, would be a very gross violation of duty on the part of the members of this branch of the Government.

## THIS MEASURE COSTS NOTHING—ERRONEOUS NOTIONS AS TO THE EXPENSE.

Similar to this erroneous, if not injurious notion, which has been so long instilled into the people of this State, that they ought to look to their Legislatures, and not to a Constitutional Convention, to achieve the reforms necessary to be made in their Government, is the equally erroneous notion, that it is the duty of the Legislature not to let the people vote for calling a Convention, so long as they may feel certain that a Convention could not be called without great additional expense, upon an already oppressed and tax ridden people. If it were in the power of the Legislature to call a Convention at all, there would seem to be some show of reason for such an idea, although even then it would not be well founded, because a Convention is for the purpose among others, of so changing our government as to render it cheap and economical, and it is therefore properly and legitimately a measure of strict economy, and not in any proper sense a measure of expense. But since, in point of fact, it is not in the power of the Legislature to call a Convention at all, it is still more difficult to discover either the reasonableness or common sense of continually interposing this objection as any excuse for not permitting the people to call a Convention if, in their superior right, and superior knowledge, they shall deem that the most proper and desirable course for them to pursue. If a Convention be called at all, it must be called by the people themselves. No branch of this government is entrusted, nor ought to be entrusted, with any such power.

The calling of a Convention should be, as it is, the act of the people themselves and not at all the act of the Legislature. This Legislature is not given any right even to exercise its own discretion as to calling a Convention. Whenever it thinks a revision of the Constitution, that is, not merely one or perhaps two amendments, but a number of different amendments in various portions of it, is necessary, then the Legislature is not required, in its discretion, nor directed if it thinks it necessary, but is expressly and unequivocally commanded to submit the question to the people, to vote for or against a Convention to make such revision.

The language of the Constitution on this subject is as plain and explicit as any language can be. The following are its own words: "If at any time two-thirds of the Senate and Assembly shall think it necessary to revise and change the entire Constitution, then they shall recommend to the electors, at the next election for members of the Legislature, to vote for or against the Convention; and if it shall appear that a majority of the electors voting at such election have voted in favor of calling a Convention (then) the Legislature, at its next session thereafter, shall provide by law for calling, (that is, as some of the States have it—to provide for electing delegates) to a Convention, to be holden within six months after the passage of such law."

It will therefore be observed not only that all reasonable expedition must be had, but also that the question of expense belongs entirely to others, and not to us, to decide. Nor have we any right to conclude that the Legislature of next year will be profligate and provide for paying per diems to delegates, or otherwise incur any unnecessary or large expenses. Nor are we called upon even to express any opinion in favor of a Convention. Even if we were, as individuals, actually opposed to a Convention, still as the officers of this government sworn to obey the Constitution, it is expressly made our duty to submit to the question of calling a Convention to the people, provided only, we "think it necessary to revise and change the Constitution." To attempt to excuse ourselves or shun our plain duty, by talking about the expense, or about any other remote branch of the subject which is intentionally removed beyond our consideration or control, and left to other tribunals to decide, would amount to a very evident neglect of what the Constitution requires us to do.

It is a wise provision in the Constitution not to permit the Legislature first



required to act, to forever prevent its being revised and amended, by undertaking to decide when it will be judicious, and when it is not judicious, when it will be expensive and when it will be cheap, to call a Convention. So far from its being our duty to be governed by any such considerations, we are expressly notified, and in explicit language, that all such considerations are for the people themselves and for the next succeeding Legislature, and not for us, to decide.

#### CONCLUSION.

Now, Mr. President, your Committee have shown that, at the first annual session of the Legislature, and at every session from that day to this, without a single exception, this subject has engaged the continual attention of this branch of the government, and that not a single annual message has ever been delivered to the Legislature by any Governor who was elected to that office by the people, without containing earnest, and seven times repeated recommendations in behalf of amendments to our Constitution, and at last, seeing most clearly that all other modes for constitutional reform are idle and useless, even to discuss, the present Governor of our State urges the Legislature to no longer keep this question from the people. We have shown, also, that the popular branch of our Legislature long since, and when it was overwhelmingly democratic, twice declared by an almost unanimous vote, in favor of leaving this question to the people.

We have also shown that in some of the older States, whose present Constitutions were prepared and adopted by our fathers, who had just concluded a seven years revolutionary war, begun and fought for the very purpose of achieving the right to make and alter their own government at pleasure, we have shown that in such Constitutions they secured the right to the people to vote upon the question of a Constitutional Convention every seven years.

We, in this hitherto new and strange country, are now advanced in the eighth year since our hasty and exceedingly imperfect Constitution was adopted by only 12,061 votes in its favor. And the recklessness, extravagance, and profligacy, which has continually marked the career of this Government ever since its first organization, ought to be sufficient reasons of themselves to convince us all that there is something radically defective in the Constitution which has undertaken to confer, define, and control the exercise of all its powers. And since we now behold ourselves surrounded by over 100,000 electors, and more than 400,000 inhabitants—where at its adoption there were so few—it would seem to be an inexcusable and most inconsistent exercise of authority on our part, to any longer withhold from them the mere expression of their views concerning a question in which they are all as deeply interested as we can be, and concerning which it is even expressly provided that they alone, and not we, have the right to decide. Indeed, if we be fit to be here at all as their representatives, what can be more plainly our duty, under the present exigency in our affairs, than to desire them to give us the great advantage of their counsel, and to guide us by their advice and direction. And more especially does this seem to be our duty, since thousands of them are in every way our superiors, and since nearly all of them are as capable of acting prudently and judging wisely concerning the question, as we can be, who are, at best, only a small portion of themselves, and who will soon be again dissolved, and lost in their midst.

That no member has a right under the office he here holds, and under the extraordinary crisis now existing in our affairs, to vote against this measure, we do not dare to avow, but we may be permitted to predict that every member so voting ought certainly to be prepared to answer well before the people, whom he would

thus seem, at least, to insult, by pretending to have more intelligence, more wisdom, and more prudence, than they all possess. Earnestly hoping, for our own sakes, as well as for the sake of our country, that not a vote will be cast against this measure at the present session of the Legislature, the Committee report the same back, without amendment, and unanimously recommend its immediate passage.

WM. J. SHAW, Chairman.  
D. R. ASHLEY,  
E. G. WAITE,  
B. D. WILSON,  
J. W. MANDEVILLE.







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IN SENATE.]

[EIGHTH SESSION.

# REPORT

OF THE

COMMITTEE ON IMPEACHMENT,

ADOPTED,

FEBRUARY 20TH, 1857.

JAMES ALLEN, STATE PRINTER.

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TABLE

CONTAINING

THE NAMES OF THE

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# RULES OF THE SENATE

IN CASES OF

## I M P E A C H M E N T .

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### RULE I.

When the Assembly shall present to the Senate a Resolution of Impeachment, the Secretary of the Senate shall inform the Assembly that it is willing to take order, and issue process, upon the presentation of the Articles of Impeachment to the Senate.

### RULE II.

When Articles of Impeachment are exhibited and presented to the Senate, the President shall inform the Committee or managers from the Assembly, that the Senate will take proper order, of which due notice will be given to the Assembly.

### RULE III.

The Senate shall assign a day for the hearing of the impeachment, and the President shall cause a copy of the Articles of Impeachment, with a Summons or notice, to appear and answer the same, at the time and place appointed, to be served on the defendant at least ten days before the time appointed for the hearing, which notice, including said copy of the Articles, shall be substantially in the following form :



*The People of the State of California,*

To \_\_\_\_\_ GREETING :

WHEREAS, The Assembly of the State of California did, on the \_\_\_\_\_ day of \_\_\_\_\_, exhibit to the Senate Articles of Impeachment against you, the said \_\_\_\_\_, in the words following :

*(Here insert a Copy of the Articles.)*

You, the said \_\_\_\_\_, are therefore hereby summoned and notified to be and appear before the Senate of the State of California, at their Chamber, in the city of Sacramento, on the \_\_\_\_\_ day of \_\_\_\_\_, at 12 o'clock M, then and there to answer to the said Articles of Impeachment, and then and there to abide by, obey, and perform, such orders and judgments as the Senate of the State of California shall make in the premises, according to the Constitution and Laws of the State of California.

HEREOF FAIL NOT.

WITNESS : \_\_\_\_\_, President of the Senate thereof, at the city of Sacramento, this \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord, \_\_\_\_\_.

Which Summons shall be signed by the Secretary of the Senate, and served by the Sergeant-at-Arms of the Senate, or by such other person as the Senate shall specially appoint for that purpose, who shall serve the same pursuant to the directions given in the form next following :

A Precept shall be endorsed on said Writ of Summons in the form following, viz :

*The People of the State of California,*

To \_\_\_\_\_, GREETING :

You are hereby commanded to deliver to \_\_\_\_\_, if to be found, a true and attested copy of the within writ of summons and articles of impeachment. Let service be made at least \_\_\_\_\_ days before the appearance day mentioned in said writ of summons. Fail not; and make return of this writ of summons and precept, with your proceedings thereon endorsed, on or before the appearance day mentioned in said writ of summons.

WITNESS \_\_\_\_\_, President of the Senate thereof, at the city of Sacramento, this \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord \_\_\_\_\_. Which precept shall be signed by the Secretary of the Senate.

#### RULE IV.

Subpoenas shall be issued by the Secretary of the Senate, upon application of the managers of the impeachment, or of the party impeached, or of his counsel, in substantially the following form, viz :

To \_\_\_\_\_, GREETING :

You and each of you are hereby commanded to appear before the Senate of the State of California, on the \_\_\_\_\_ day of \_\_\_\_\_, at the Senate Chamber, in the city of Sacramento, then and there to testify your knowledge in the cause which is before the Senate, in which the House of Assembly have impeached \_\_\_\_\_.

Fail not.

Witness \_\_\_\_\_ President of the Senate thereof, at the city of Sacramento, this \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord \_\_\_\_\_.

Which shall be signed by the Secretary of the Senate ; which subpoenas shall be directed, in every case, to the \_\_\_\_\_ where such witnesses respectively reside, to serve and return.

The form of direction for service of a subpoena shall be substantially as follows :

THE PEOPLE OF THE STATE OF CALIFORNIA,

To THE \_\_\_\_\_ :

You are hereby commanded to serve and return the within subpoena, according to law.

Dated at Sacramento this \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord \_\_\_\_\_.

\_\_\_\_\_, Secretary of the Senate.

#### RULE V.

The President of the Senate shall direct all necessary preparations in the Senate Chamber, and all the forms of proceeding while the Senate are sitting for the purpose of trying an impeachment, and all forms during the trial, not otherwise specially provided for by the Senate.

#### RULE VI.

At 12 o'clock of the day appointed for the trial of an impeachment, the Legislative and Executive business of the Senate shall be postponed. The Secretary shall then administer the following oath or affirmation to the President:

" You solemnly swear or affirm, that in all things appertaining to the trial of the impeachment of \_\_\_\_\_, you will do impartial justice, according to the Constitution and laws of this State." And the President shall administer said oath or affirmation, to each Senator present.

#### RULE VII.

At 12 o'clock of the day appointed for the return of the summons against the person impeached, the Legislative and Executive business of the Senate shall be

suspended, and the Secretary of the Senate shall administer an oath to the returning officer in the form following, viz:

"I ———, do solemnly swear, that the return made and subscribed by me upon the process issued on the ——— day of ———, by the Senate of the State of California, against ———, is truly made, and that I have performed said services as therein described, so help me God." Which oath shall be entered at large on the records.

#### RULE VIII.

The person impeached shall then be called to appear and answer the articles of impeachment against him. If he appears, or any person for him, the appearance shall be recorded, stating particularly if by himself, or by agent or attorney, naming the person appearing, and the capacity in which he appears. If he does not appear either personally, or by agent or attorney, the same shall be recorded.

#### RULE IX.

The Secretary shall then give notice to the Assembly, that the Senate is organized as a Court of Impeachment, and is ready to proceed upon the impeachment of ———, in the Senate Chamber.

#### RULE X.

Counsel for the parties shall be admitted to appear, and be heard upon an impeachment.

#### RULE XI.

All motions made by the parties or their counsel, shall be addressed to the President of the Senate, and if he shall require it, shall be committed to writing, and read at the Secretary's table.

#### RULE XII.

Witnesses shall be sworn in the following form, to wit:—"You ———, do swear or affirm, (as the case may be,) that the evidence you shall give in the case now depending between the State of California and ———, shall be the truth, the whole truth, and nothing but the truth—so help you God." Which oath shall be administered by the Secretary.

#### RULE XIII.

Witnesses shall be examined by the party producing them, and then cross-examined in the usual form.

#### RULE XIV.

If a Senator is called as a witness he shall be sworn, and give his testimony standing in his place.

## RULE XV.

At all times, while the Senate is sitting upon the trial of an impeachment, the doors of the Senate Chamber shall be kept open until the final argument by the counsel of the parties is closed.

## RULE XVI.

Any Senator shall have the right to ask questions of a witness under examination.

## RULE XVII.

No question which may arise during the progress of the trial, and after the same is commenced, shall be argued by more than one person on the part of the people, and one on the part of defense, nor shall more than ten minutes be occupied in any such discussion, by each party, without the consent of a majority of the Senators present; and all such questions shall be decided by ayes and noes, without debate, unless a majority of two-thirds of the Senate shall otherwise direct, nor then except in the presence of the officers of the Senate only.





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IN ASSEMBLY.]

[SESSION OF 1857.

REPORT  
OF THE  
JOINT COMMITTEE  
ON THE  
TREASURE,  
IN THE  
STATE TREASURY.

JAMES ALLEN, STATE PRINTER.

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THE

OFFICIAL RECORDS

OF THE

UNITED STATES

# REPORT.

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The Joint Committee of the Senate and Assembly appointed to examine and ascertain the amount of coin and treasure now in the State Treasury, and subject to the order of the Treasurer of State, submit the following Report:

The Committee, by actual count, have ascertained that there is now in the Treasury, in gold and silver coin, one hundred and twenty thousand nine hundred and thirty-seven 50-100 dollars, (\$120,937 50,) and nine thousand two hundred and thirty 45-100 dollars (\$9,230 45) in gold dust. The Committee have extended their labor and inquiry into a full examination of the business of the Treasurer, and the condition of his department, and herewith report tabular statements from the Treasurer containing the aggregate amount of receipts and expenditures of the State Treasury from the first day of January, 1856, to the 13th day of January, 1857, inclusive; also a statement of the receipts and expenditures from the 1st day of January, 1857, to the 13th day of January, 1857.

These statements show that within the above mentioned dates, one million three hundred and twenty-two thousand five hundred and ninety-one 80-100 dollars (\$1,322,591 89) have been received into the Treasury, while the expenditures amount to one million one hundred and ninety-two thousand one hundred and forty-eight 24-100 dollars (\$1,192,148 24.)

The statements exhibit a balance in the Treasury on the first day of January, 1857, of two hundred and two thousand six hundred and five 25-100 dollars (\$202,605 25), and that one hundred and seven thousand two hundred and sixty-five 27-100 dollars, (\$107,265 27,) has since been received, making the sum total of three hundred and nine thousand eight hundred and seventy 50-100 dollars (\$309,870 50) in the Treasury up to the date of January 13th, 1857. From this sum there has been paid to the School Fund, thirty-one thousand two hundred and seventy-two 45-100 dollars, (\$31,272 45,) and to the General Fund, twenty-four thousand four hundred and ninety 40-100 dollars (\$24,490 40), for Controller's Warrants redeemed; also one hundred and twenty-four thousand dollars (\$124,000,) to provide for the interest due in July, 1857; leaving a balance in the Treasury on the 13th day of January, 1857, as above stated, in money and

gold dust, one hundred and thirty thousand one hundred and seven 65-100 dollars (\$130,107 65.)

In the annual message of the Governor, transmitted to the present Legislature it is stated that on the first day of January, 1857, there was on hand a balance in favor of the Treasury of two hundred and twelve thousand four hundred and four 27-100 dollars (\$212,404 27.) The present tabular statements show that in fact the balance in favor of the Treasury on the 1st January, 1857, was two hundred and two thousand six hundred and five 28-100 dollars (\$202,605 28.)

This incongruity is accounted for by the neglect of the Clerk in his report to the Governor to charge nine thousand dollars (\$9,000) for the State Prison Bonds redeemed; and seven hundred and ninety-eight 99-00 dollars (\$798 99) for a School Warrant paid to Mariposa County. These amounts deducted from the aggregate sum contained in the message correspond with the *statements* herewith reported and agree with the estimates exhibiting one hundred and thirty thousand one hundred and seven 65-100 dollars (\$130,107 65,) to be the actual amount on hand on the 1st day of January, 1857.

The Committee would respectfully call attention to the existence of a suit now pending in the Sixth Judicial District Court, wherein the plaintiffs, Meyer & Co., have sued out an injunction to restrain the State Treasurer from paying out any moneys in his hands except under the mandate of the Court.

The Committee is informed that said suit is being prosecuted by Attorney-General Wallace, to secure the payment of District Judges prior to the 1st of January, 1857.

An opinion of the Attorney-General has been submitted to the Committee advising the Treasurer "not to pay any money out of the Treasury under any circumstances whatever, except by order of the Legislature or the mandate of the Supreme Court."

To these causes we must ascribe the present difficulty in obtaining money upon Controller's Warrants, and these causes are assigned by the Treasurer as a reason for declining to pay out any funds now in his hands.

The Committee would recommend immediate attention to this subject, and suggest that some means be devised for the removal of said injunction, and relief of the funds now in the Treasury. It is a matter of surprise however, that so large a sum as one hundred and thirty thousand one hundred and seven dollars (\$130,107) should be effectually tied up, and the whole financial operations of the Government checked, because of the suit at law, wherein the entire amount involved is only some twelve thousand dollars.

As it has incidentally come to our knowledge in the discharge of these duties, that the Treasurer has already taken from the General Fund one hundred and twenty-four thousand dollars (\$124,000,) to provide for the interest due in July next, it has occurred to us as a matter of extreme importance that a law be immediately enacted prescribing the duty of this Officer in like cases, and defining the time when, and the manner in which, he shall transmit the funds necessary to meet the accruing interest debt of the State.

This suggestion is made because of the great difficulty heretofore experienced and the discredit that has been thrown upon our national character. That the Treasurer should make timely provision to secure the payment of the interest debt to become due in July next, is creditable to his zeal to sustain our national integrity abroad; but affords profound reasons for regret that he should be induced to deprive the State of so large a sum for a period of at least four months, and impose an unnecessary expense for exchange at a time of great financial embarrassment.

A crisis has arrived in our financial history when the question of repudiation, and the maintenance of our character for honor and respectability in the rank of nations must necessarily be determined by the action of the present Legislature, and the timely provision made by the Treasurer to meet the demands of foreign

creditors will doubtless tend to suspend public opinion and give opportunity for wholesome and wise legislation.

We submit herewith the statements of the Treasurer, and earnestly repeat the above recommendations.

G. D. HALL,  
Chairman Assembly Committee.

S. H. DOSH,  
Chairman Senate Committee.

STATEMENT OF RECEIPTS AND EXPENDITURES OF STATE  
TREASURY, FROM 1<sup>ST</sup> JAN'Y, 1856, TO JAN'Y 13<sup>TH</sup>, 1857, IN-  
CLUSIVE.

RECEIPTS.

January, 1856.	-	\$271,031 46
February, "	-	151,757 53
March, "	-	22,052 49
April, "	-	105,753 15
May, "	-	36,620 80
June, "	-	47,097 37
July, "	-	155,765 61
August, "	-	19,198 15
September, "	-	16,911 43
October, "	-	52,569 90
November, "	-	279,201 70
December, "	-	57,327 08
January 13th, 1857,		107,265 22
		<hr/>
		\$1,322,551 89

EXPENDITURES.

January, 1856.	-	\$167,373 94
February, "	-	85,771 10
March, "	-	13,422 68
April, "	-	197,256 86
May, "	-	7,144 17
June, "	-	19 442 02
July, "	-	69,185 91
August, "	-	19,057 98
September, "	-	5,198 30
October, "	-	8,974 68
November, "	-	386,958 80
December, "	-	32,889 95
January 13th, 1857,		179,762 85
Cash on hand,		130,107 65
		<hr/>
		\$1,322,551 89









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IN ASSEMBLY.]

[EIGHTH SESSION.

**R E P O R T**  
OF THE  
**C O M M I T T E E**  
ON  
**A C C O U N T S   A N D   E X P E N D I T U R E S .**

JAMES ALLEN, STATE PRINTER.

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## REPORT.

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*Mr. Speaker :*

The Committee on Accounts and Expenditures having concluded their examination of the Treasurer's Office as fully as the limited time allowed them for investigation, and a due performance of their duties would permit, respectfully submit to this house a further report in respect to the condition of that office.

Your Committee finding the affairs of the Treasurer's office in a very deranged and unsatisfactory condition, and having discovered evidences of gross neglect and misconduct in the business of the office as heretofore reported by them to this House, conceived it to be their duty, as far as possible, to ascertain the true state and condition of the books and accounts of that department. In making such investigation, the labors of your Committee have been most arduous, as the impeachment and resignation of the late Treasurer, and the consequent confusion of the business of that office, deprived them of the information and aid of that officer and his attaches, who were familiar and conversant with the various parts of the business of the office, and might have rendered much information and assistance to facilitate the investigation of your Committee.

It appears that January 3d, 1856, the sum of \$30,149 01 was paid over to Dr. Bates by his predecessor, Dr. McMeans, in cash; (that is admitted by Dr. Bates). The general fund at that time being overdrawn, Dr. Bates entered on his book the balances as they stood to the credit of the several funds on the first day of January, 1856, amounting to \$62,724 01, and charges of \$32,575, amount expended by late Treasurer, as per vouchers in his hands. As moneys were received from the County Treasurers thereafter, the general fund was made whole. The amount of \$31,300, paid Selover & Sinton, is included in the \$32,575, before mentioned, and is the amount heretofore reported by your Committee as still standing charged upon the Controller's books against the State Treasurer, making the accounts of the two officers to differ to that extent. The Controller has added to that amount the deficiency of \$48,369 92, in accounts of Henry Bates, and opened new accounts with the present Treasurer, crediting the various funds with the apportionment of \$75,908 25, cash on hand, made by your Committee.

We further report, that the School, Hospital, and Military Funds, were entered to the following accounts, on the resignation of Dr. Bates, viz :

The School Fund.....	\$10,797 86
“ Hospital do .....	9,423 68
“ Military do .....	3,181 29
Total .....	<u>\$23,402 83</u>

The amount appropriated to these funds by your Committee, of the cash on hand, was—

To School Fund.....	\$1,085 22
“ Hospital do .....	9,318 18
“ Military do .....	2,279 99
Total.....	<u>\$12,683 39</u>

Leaving amount due those funds, \$10,719 44, viz:

Due School Fund .....	\$9,712 64
“ Hospital do.....	105 50
“ Military do.....	901 30
Total.....	<u>\$10,719 44</u>

The other funds credited by your Committee have since been transferred to the General Fund by Act of the Legislature, there only remains to be done, to regulate the accounts up to this time, an order of the Controller to the Treasurer to transfer from the General Fund to the credit, respectively, of the funds specified, the amount set forth. This, your Committee, recommend, that the objects for which the funds were created be not interfered with. The order to be drawn whenever there is sufficient money in the Treasury to authorize it.

The books of Henry Bates show the amount of money to have been received by him while Treasurer of State, to be as follows :

Received, January 3, 1856, of Dr. McMeans.....	\$30,149 01
“ from Jan. 3, 1856, to Feb. 11, 1857.....	1,108,219 66
Total receipts.....	<u>\$1,138,368 57</u>
The cash book kept by him shows the amount of money paid out by him during the same time, to be.....	1,014,090 50
Leaving a balance of.....	<u>\$124,278 17</u>

Which should have been in the Treasury on the 11th day of February, A. D. 1857, the day of his resignation. At that date, your Committee took charge of the keys of the vault, counted the money on hand, amounting to the sum of \$75,908 25, which was paid over to the present Treasurer, James L. English, and receipt taken therefor.

Balance that should have been on hand, Feb. 11, 1857,...	\$124,278 17
Amount found by actual count.....	75,908 25
	<hr/>
Balance deficiency in cash.....	\$48,369 92

In a former report, we stated the deficiency from January 1, 1857, to February 11, 1857, to be \$34,120 41. The additional deficiency in cash was found prior to January 1, 1857, viz : In November, the cash is charged with \$87,550, as paid Messrs. Wells, Fargo & Co., to meet July (1856) interest.

The amount actually paid them, was cash.....	\$72,100 00
Draft of Palmer, Cook & Co.....	15,000 00
	<hr/>
Total.....	\$87,100 00

Had the draft been entered as a receipt, there would have been an error of credit of \$450; only as it was not entered at all, and the amount paid being but \$72,100.

There is a deficiency of.....	\$15,450 00
	<hr/>
Making the sum of.....	\$49,570 41
Warrants received for taxes were found among the vouchers of the office, not entered, to the amount of.....	1,200 49
	<hr/>
Leaving the deficiency, as represented.....	\$48,369 92

There is a deficiency in the vouchers for issue of funded bonds as follows:

Total amount of bonds issued.....	\$985,000 00
“ “ of H. Bates' certificates of balance issued..	11,647 76
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Total.....	\$996,647 76

The Treasurer has filed with the Secretary of State, and taken receipt therefor, warrants and certificates of balances received for bonds, as follows:

Receipt dated December 22, 1856.....	\$957,056 15
“ “ January 19, 1857.....	30,925 89
There are on hand, vouchers amounting to.....	8,159 24
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Total.....	\$996,141 28
Leaving a deficiency of vouchers of.....	506 48
Add cash deficiency.....	48,369 92
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Total deficiency.....	\$48,876 40

An amount of gold dust before reported by your Committee to have been remitted to the mint for assay and return, through Wells, Fargo & Co., we have ascertained that the late Treasurer received thereon from Messrs. Wells, Fargo & Co, the sum of \$9,000 in cash, by letter, from the agent of Wells, Fargo & Co.; we learn it was assayed and yielded only \$8,187 46.

To Wells, Fargo & Co., November, 1856, for January interest, 1857.....	\$120,390 00	
For exchange thereon.....	3,600 00	
Total .....		\$123,600 00
To Pacific Express Co., January 3d, 1857, for July interest, 1857.....	\$120,391 00	
For exchange thereon.....	3,609 00	
Total .....	\$124,000 00	

## RECAPITULATION.

Paid Palmer, Cook & Co. for interest and exchange.....	\$ 88,580 00	
Paid Wells, Fargo & Co. for interest and exchange.....	87,100 00	
Paid Wells, Fargo & Co. for interest and exchange.....	123,600 00	
Paid Pacific Express Co. for interest and exchange.....	124,000 00	
Total.....		\$423,280 00
Total exchange on the above.....	\$ 11,889 00	
Actual interest due July, 1856.....	76,853 00	
Actual amount required to meet the failure of Palmer,		
Cook & Co. to pay interest.....	76,853 00	
Actual interest due July, 1857.....	117,003 24	
Actual interest due July, 1857.....	111,258 00—	\$393,856 24
Excess of interest forwarded.....		\$ 29,423 76

In examining the Treasurer's Department, your Committee find a roll of bonds prepared to be used under the Funding Act of 1856, signed by the Governor and Controller, amounting to the sum of \$47,000, which, in the opinion of your Committee, should be destroyed. There are also numerous uncanceled Warrants, which should be disposed of, so as to avoid all chances of their re-issuance by any one, many of them unindorsed. There are likewise several books in the office which have been neglected, and which should be brought up and posted, as also a thorough revision of the papers in the office, so as to bring the accounts out of the confusion caused by neglect above stated. These remarks apply as well to the term of McMeans as to that of Bates—the accounts of the former being in the hands of a Committee of this House, for examination at the present time—your Committee make no recommendation respecting them. An examination of the work necessary to be done will exhibit its necessity: To write up the registry of Bonds issued and redeemed, the registry of Warrants issued and redeemed, to open accounts current with the State agents for three years past, and enter up coupons paid and returned, to settle the accounts of foreign miner's license for the same time.

Your Committee deem it both expedient and necessary that a committee of two of this House be appointed, with powers to have this work performed under their direction and supervision. Such committee will require a competent and able accountant, and after everything has been brought up and recorded, it will take but a small portion of their time to examine its correctness, and from it make up their report to the next Legislature:











